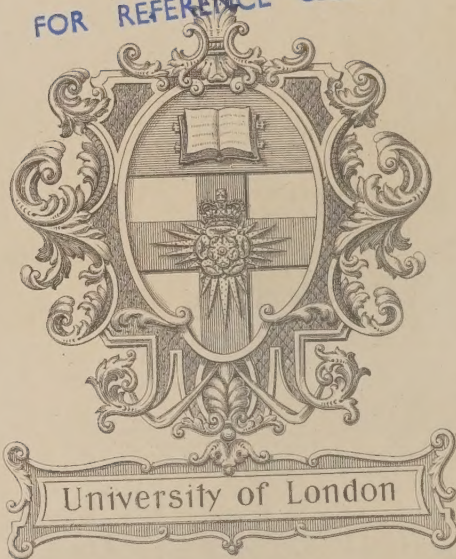


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B I L L S,

PUBLIC:

SIX VOLUMES.

—(6.)—

STANNARIES

TO

PUBLIC WORKS (IRELAND).

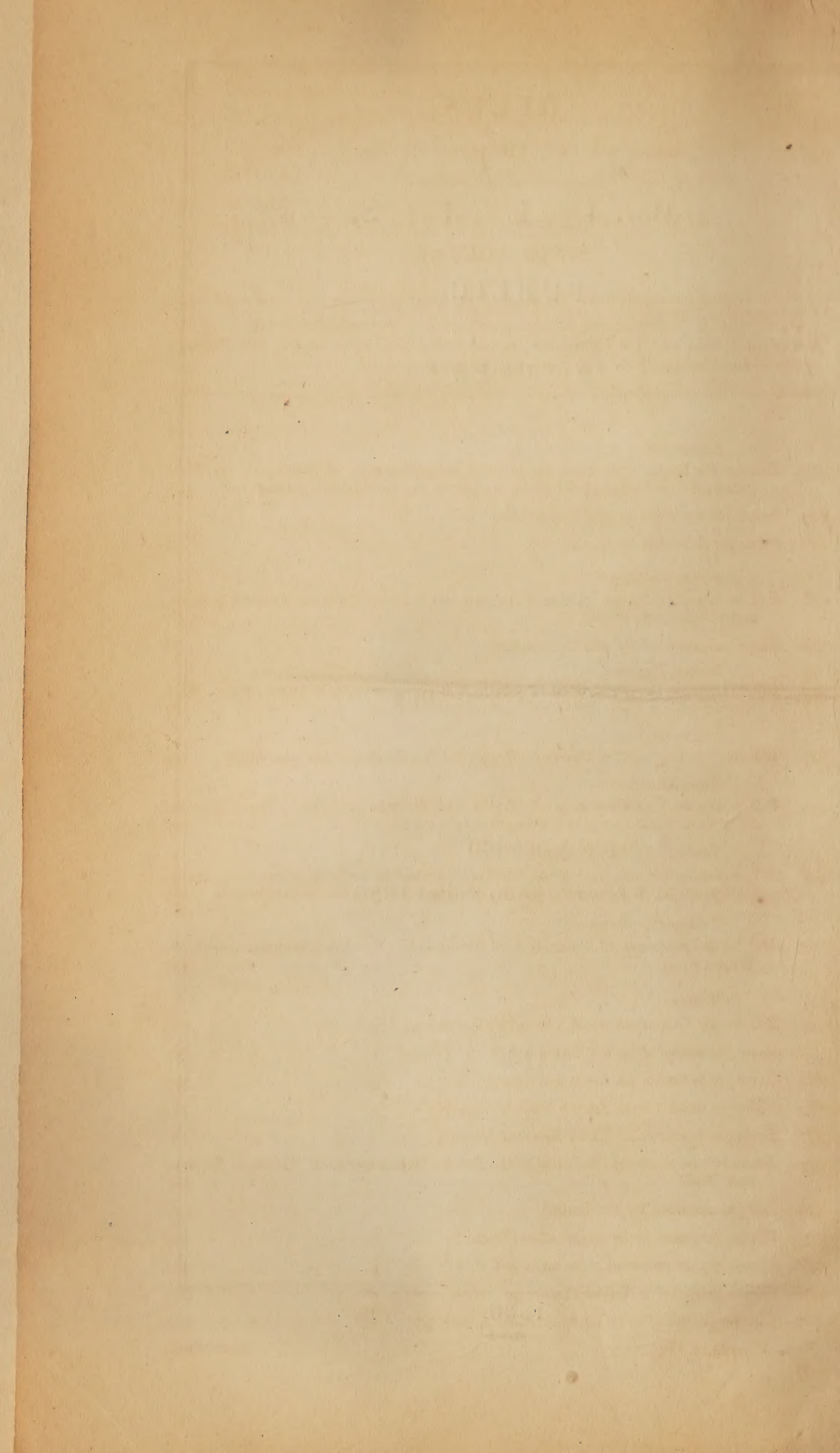
Session

4 February—20 August 1836.

VOL. VI.

1836.





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1836.

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A

B I L L

To make provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS there has existed throughout the Stannaries of Cornwall, a Court in which the Vice Warden has in certain cases, wherein Tin or Tinnars or matters connected with Tin are concerned, exercised original Equitable Jurisdiction : Preamble.

5 And whereas there has existed a Court in each of the Stannaries of Cornwall, called the Steward's Court, and in which the Steward of the Stannaries has exercised a Common Law Jurisdiction in such like cases :

10 And whereas the Jurisdiction so exercised by the Vice Warden and the Steward respectively has been confined to cases wherein Tin or Tinnars are concerned :

15 And whereas in late times Lead, Copper and other Metals and metallic minerals than Tin have been discovered in the County of Cornwall, and over the matters connected with the working for and purifying and smelting of which Lead, Copper and other Metals and metallic minerals, such Jurisdiction has not been considered to extend :

And whereas the various Persons in the said County working and interested in such Lead, Copper and other Metals and metallic minerals are greatly inconvenienced in their disputes, in cases where such Metals and metallic minerals other than Tin are concerned, and are put to great inconvenience in obtaining redress therein :

And whereas it is expedient to unite the Court of Equity of the Vice Warden with the Courts of Common Law of the Steward of the said Stannaries, and to extend the Jurisdiction of the Court to and over all Metals and metallic minerals in the said Stannaries, and to and over all transactions connected therewith in the said County of Cornwall in manner hereinafter mentioned; and also to confirm, alter and enlarge the powers of such Court in various particulars, and to make other provision than heretofore for the hearing of Appeals and Writs of Error therefrom; ~~BE it therefore Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *death or resignation or other removal* of the present Vice Warden it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and His successors, King or Queen Regnant of England for the time being, if there be no Duke of Cornwall, or if the Duke of Cornwall for the time being is under age, to nominate and appoint from time to time (by Letters Patent under the Privy Seal of the Duchy of Cornwall or under the Great Seal of England as the case may be) a fit Person, being a Barrister-at-Law of *Five* Years' standing at the least, to be and be called the Vice Warden of the Stannaries.

1.
Appointment
of future Vice
Warden.

2.
Vice Warden,
Office for life.

Power of
Removal.

3.
Present Lord
Warden to
have the ap-
pointment of
Vice Warden
in case of
vacancy.

And be it further Enacted, That the present Vice Warden and every future Vice Warden shall be Judge of the Court hereinafter mentioned, and which shall have both a Common Law and an Equity side, and shall comprehend the Court heretofore the Court of the Vice Warden, and the Court heretofore the Courts of the Stannaries, and that the Vice Warden for the time being shall hold such office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and His successors, King or Queen Regnant of England for the time being, if there is no Duke of Cornwall, or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein at length sufficient grounds, and signed by the *majority* or *Five* of the Council or of the Commissioners or principal Officers of the Duchy of Cornwall, but not otherwise, (the Lord Warden of the Stannaries being always one of the persons signing such requisition), to remove the person for the time being holding the said office of Vice Warden.

Provided always, and be it Enacted, That notwithstanding any thing herein contained, the appointment of Vice Warden (should any vacancy occur during the time the present Lord Warden of the Stannaries holds that situation) shall be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person to be appointed Vice Warden, and his removal, as hereinbefore contained.

And

And be it further Declared and Enacted, That the original Equitable Jurisdiction heretofore exercised by the Vice Warden for the time being, has been rightfully and lawfully exercised, and that the present and every future Vice Warden for the time being shall have, exercise and enjoy the same Equitable Jurisdiction, and the same power and authority in all matters and things brought before him, so far as relates to the working, managing, conducting or carrying on any Mine worked for any Lead, Copper or other Metal or metallic mineral within the said county of Cornwall, or to the searching for, working, smelting or purifying any Lead, Copper or other Metal or metallic mineral within the said county, in as full and ample a manner as if the same had related to any Tin, or Tin Ore, or Tin Mine, or Mine worked for Tin in the said county.

4.
Equitable Jurisdiction of Vice Warden in matters connected with Tin confirmed.

The Equitable Jurisdiction extended over matters connected with all Metals and metallic minerals in the County, in the same way as heretofore over Tin.

And be it further Declared and Enacted, That all Orders, Decrees and Acts heretofore made and done by the Vice Warden for the time being, and which, according to the practice of the said Stannaries, have been used to be made or done by the Vice Warden for the time being, are and are to be taken and deemed to be valid Orders, Decrees and Acts, and to have full force and validity, and to be executed accordingly.

5.
Past Orders and Decrees and future Orders and Decrees valid,

And be it further Enacted, That all Orders, Decrees and Acts which shall hereafter be made or done by the present or any future Vice Warden, shall (so far as the same shall be consistent with the provisions hereof) be and be taken and deemed to be valid Decrees, Orders and Acts, and shall have full force and validity, and be executed accordingly.

6.

Provided nevertheless, and be it Enacted, That all Decrees, Orders and Acts, as well already or hereafter to be made or done by the Vice Warden for the time being, shall in each and every case be subject to be re-heard and varied by the Vice Warden for the time being, and that the Lord Warden for the time being shall have full power and authority on any appeal or appeals presented to him for that purpose, (such appeal or appeals being left with the Secretary of the Lord Warden at the Duchy Office), and with the aid and assistance of Three or more Members of the Judicial Committee of His Majesty's Privy Council for the time being, to affirm, alter or reverse any Decrees, Orders or Acts already or hereafter made or done by the Vice Warden for the time being, either in whole or in part, and to dismiss such appeal or appeals, with costs or otherwise, as may to the Lord Warden so aided and assisted seem just; Provided, That the judgment pronounced by the Lord Warden so aided and assisted on any appeal or appeals presented, shall be transmitted to the Court of the Vice Warden to be by such Court carried into effect.

7.
Subject to re-hearing and Appeal.

Order on Appeal to be transmitted to Vice Warden's Court.

8.
The Courts of
the Stannaries
consolidated
and to be held
before the
Vice Warden,

who to have
the same
Jurisdiction in
Tin and Tin
matters as
the Steward
has had.

9.
And to have
similar Juris-
diction in all
cases con-
nected with
other Metals
and metallic
minerals in
Cornwall.

Appeal.

Judgment on
Appeal to be
sent to the
Vice Warden's
Court.

No Appeal
after Verdict
of Jury except
on error of
law.

And be it further Enacted, That the Courts of Law of the re-
spective Stannaries heretofore held before the Stewards or Steward
thereof, shall be one Court for all the Stannaries, and shall be held
by and before the Vice Warden for the time being, who, as Judge
thereof, shall have, exercise and enjoy the same jurisdiction over Tin
and all matters and things connected therewith or relating thereto,
and the same powers, privileges and authorities with reference thereto,
and shall transact, do and perform the same duties, matters and
things in relation thereto, as have been and are and shall hereafter be
required or authorized to be transacted, done or performed, or to be
exercised or enjoyed by the Steward for the time being of any of the
Stannaries.

And be it further Enacted, That such Vice Warden for the time
being shall also have, exercise and enjoy the same Common Law
Civil Jurisdiction and the same power and authority in all matters and
things which shall be brought before him in any way connected with
the working, managing, conducting or carrying on any Mine worked
for Lead, Copper or any other Metal or metallic mineral within the
said County of Cornwall, or in any way relating to Lead, Copper or
any other Metal or metallic mineral, or the searching for, working,
smelting or purifying Lead, Copper or any other Metal or metallic
mineral within the said county, in as full and ample a manner as if the
same had been connected with or related to any Tin or Tin Ore,
or Tin Mine, or Mine worked for Tin in the said county:
Provided always, That it shall and may be lawful for either or any
of the Parties, Plaintiff or Defendant, against whom any judgment
or order or sentence shall be given, to appeal therefrom to the Lord
Warden for the time being, and that the Lord Warden for the time
being shall have power and authority to receive appeals (the same to
be lodged with his Secretary at the Duchy Office as aforesaid) from
such judgments, orders and sentences, and shall have power and au-
thority, being aided and assisted by *Three* or more Members of
the Judicial Committee of His Majesty's Privy Council for the time
being, to hear such appeals, and to affirm, alter and reverse such
judgments, orders or sentences in whole or in part, or to dis-
miss the said appeals with costs or otherwise, as may be just:
Provided always, That a Record of every judgment, order or sen-
tence pronounced by the Lord Warden, so aided and assisted as
aforesaid, and signed by such Lord Warden, be remitted to the Court
of the Vice Warden, to be by such Court carried into effect, according
to law: Provided also, That upon any appeal from any judgment
upon the verdict of a Jury, the Lord Warden so aided and assisted
as aforesaid, shall not reverse, alter or inquire into the said judgment,
except only for error of law apparent upon the Record.

5

10.
Service of
Subpœna on
Witnesses
good in any
part of Eng-
land or Wales.

Enforced by
process from
King's Bench.

11.
Provided ex-
penses
tendered to
them.

12.
Original
Process from
either side
of the Court
may be served
throughout
England and
Wales.

13.
If no appear-
ance after due
service, ap-
pearance may
be entered
upon terms
by Plaintiff.

Be it Enacted, That the service of every Writ of Subpœna to attend and give evidence, hereafter to be issued out of either side of the said Court of the Vice Warden, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said Court of the Vice Warden; and that in case the person so served shall not appear according to the exigency of such Writ, it shall be lawful for the said Court of the said Vice Warden, upon oath or affirmation to be taken in open Court or affidavit of the personal service of such Writ, to transmit a certificate of such default under the seal of the said Court to the Court of King's Bench at Westminster; and the said last-mentioned Court may and shall thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the same Court, the person so having made default, in such and the like manner as the same Court might have done if such person had neglected or refused to appear in obedience to a writ of subpœna issued to compel the attendance of witnesses out of such last-mentioned Court.

Provided always, and be it further Enacted, That the said Court of King's Bench shall not in any such case as aforesaid proceed against or punish any person, nor shall any such person be liable to any action for having made default by not appearing to give evidence in obedience to any such Writ of Subpœna as aforesaid for that purpose, issued under the authority of this Act, unless it shall be made to appear to the said Court of King's Bench, or to a Judge thereof, that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna was served upon such person.

And be it further Enacted, That the service of every Writ of Subpœna, Summons or other original process hereafter issued from either the Common Law or Equity side of the said Court of the Vice Warden, and served upon any person residing in any part of England or Wales, out of the jurisdiction of the said Court, shall be valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies whatsoever, according to the nature of such writ of subpœna, summons or other process, as if the same had been served within the jurisdiction of such Court.

And be it further Enacted, That where any party against whom proceedings have been instituted, on either the Common Law or Equity side of the Court of the Vice Warden, shall have been duly served with original process to appear, or to appear and answer thereto,

thereto, and shall refuse or neglect to appear, an appearance shall
 and may, after the expiration of Days after he has been
 duly served, if the party has been served within the jurisdiction of
 the Court, and after the expiration of Days after he has
 been duly served, if he has been served beyond such jurisdiction, be 5
 entered for such party at the instance of the party instituting such
 proceedings; such appearance to be entered in such manner and form,
 and subject to such proof of due service by affidavit or affirmation, or
 otherwise, as the Vice Warden by any general order or orders made 10
 in pursuance of this Act shall direct, and that upon appearance being
 so entered up, such further proceedings may be had against the party
 whose appearance is so entered up as if he had actually appeared.

14.
 If the Defen-
 dant was
 within Juris-
 diction, but
 has absconded
 and cannot be
 served, then
 provisions of
 1 Will. 4, s.
 c. 36, to apply
 to enable the
 party to take
 Decree pro
 confesso on
 Equity side.

AND whereas by an Act passed in the first year of the reign of
 His present Majesty King WILLIAM the Fourth, intituled, "An Act
 for altering and amending the Law regarding Commitments by Courts 15
 of Equity for Contempts and the taking Bills pro confesso," certain pro-
 visions are made and powers given in cases where persons have with-
 drawn themselves beyond the seas, or otherwise absconded to avoid
 appearing in courts of equity, or being served with process for that 20
 purpose, or being brought into Court by Habeas Corpus have refused
 to appear: AND whereas such provisions and powers are thereby
 extended only to the Court of Chancery, Court of Exchequer, and
 Court of the Duchy Chamber of Lancaster at Westminster, and to
 the Courts of Equity of the Counties Palatine of Chester, Lancaster 25
 and Durham, and of the Great Session in Wales: AND whereas it is
 expedient that the same provisions and power should be extended to
 the Equity side of the said Court of the Vice Warden; BE it there-
 fore Enacted, That from and after the *passing of this Act*, all and
 every the provisions therein contained and powers thereby given,
 shall be, and the same are hereby, so far as the same are applicable, 30
 extended to the Court of the said Vice Warden, and that whether
 the proceedings therein be commenced by petition, bill or otherwise:
 Provided always, That before the Vice Warden makes any decree or
 order, or issues any process under the powers and provisions in the
 said recited Act contained, and hereby extended to the Equity side of 35
 the said Court of the said Vice Warden, it must be made to appear
 to the satisfaction of the Vice Warden for the time being, that the
 person against whom the decree or order is to be made, or process to
 be issued, has resided within the jurisdiction of such Court of the
 said Vice Warden within *One Year* before the making such decree 40
 or order, or the issuing such process.

Provided the
 Vice Warden
 satisfied that
 the party has
 resided within
 the jurisdic-
 tion within a
 year.

15.
 If on the
 Common Law
 side the De-
 fendant was
 within the

And be it further Enacted, That in case it shall be made appear to
 the satisfaction of the Vice Warden for the time being that any
 Defendant has not been personally served with any Writ of Summons
 issuing

issuing out of the Common Law side of the said Court, and has not according to the exigency thereof appeared to the same, and cannot beserved or compelled to appear without some more efficacious process, and that the said Defendant has resided within the jurisdiction of the said Court within *One* Year from the time of the application made to the said Court, then and in every such case it shall and may be lawful for such Court to order a Writ of Distringas to be issued, directed to the Sheriff of the said county of Cornwall, or to any other officer to be named by the Vice Warden, in order to compel the appearance of such Defendant; which Writ of Distringas shall be in the Form and with the Notice subscribed thereto mentioned in the Schedule (A.) to this Act, and marked Number 1. ; and which Writ of Distringas and Notice, or a copy thereof, shall be served on such Defendant if he can be met with, or if not, shall be left at the place where such Distringas shall be executed; and a true copy of every such Writ and Notice shall be delivered together therewith to the Sheriff or other officer to whom such Writ shall be directed, and every such Writ shall be made returnable on a day certain to be named therein, not being less than

Jurisdiction, but had absconded and cannot be served, a Distringas may issue.

Days after the teste thereof; and if such Writ of Distringas shall be returned “non est inventus” and “nulla bona,” and the Defendant against whom such Writ of Distringas is issued, shall not appear at or within Days inclusive after the return of such Writ, and it shall be made to appear to the satisfaction of the said Court that due and proper means were taken and used to serve and execute such Writ of Distringas, it shall be lawful for such Court to authorize the party suing out such Writ of Distringas to enter an appearance for such Defendant, and to proceed thereon to judgment and execution.

And be it further Enacted, That whenever a Plaintiff or Defendant in any action or suit in which judgment shall be recovered in the said Court of the Vice Warden shall remove his person or goods or chattels from or out of the jurisdiction of the said Court of the Vice Warden, it shall and may be lawful for any of the superior Courts at Westminster, upon a certificate from the Registrar, under the seal of the said Court of the said Vice Warden, of the amount of final judgment obtained in any such action, to issue a Writ of Execution thereupon for the amount of such judgment, and the costs of such Writ and Certificate, to the Sheriff of any county, city, liberty or place, against the person or goods of the party against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said superior Courts at Westminster.

16.
Where Judgment obtained and the person and effects cannot be found within the jurisdiction of the Court of the Vice Warden, any of the superior Courts may issue execution in manner pointed out.

And be it further Enacted, That in case any Rule of the said Court of the Vice Warden cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such Rule by the Registrar under the seal of the

17.
Rule of the Court which cannot be otherwise enforced may be enforced

by making it
a Rule of
superior
Court at
Westminster.

said Court of the said Vice Warden, and an affidavit that by reason of such non-residence such rule cannot be enforced, to make such rule a rule of any one of the said Courts at Westminster, if such superior Court shall think fit, and that thereupon such rule shall be enforced as a rule of such superior Court.

5

18.

The Vice
Warden to
have no juris-
diction except
as hereby
provided, and
any parties
may demur
to jurisdic-
tion of the
Court, but if
not the juris-
diction not to
to be ques-
tioned.

And be it further Enacted, That neither the Vice Warden for the time being, nor the Court of such Vice Warden shall have, use or exercise any power or authority save as hereby provided, and that any person against whom proceedings shall be instituted in the Court of the Vice Warden shall after the appearance entered be at liberty to demur or plead to the jurisdiction of the said Court, but that no question as to the jurisdiction of the said Court with respect to the matters embraced in such proceedings shall hereafter be raised unless such person shall within Days after appearance entered by or on behalf of himself, or entered by the person instituting such proceedings in manner hereby provided, demur or plead to such proceedings by filing a statement of the grounds of such demurrer or plea at the Registrar's Office, and serving a copy thereof on the person instituting such proceedings, or his solicitor or attorney.

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15

19.

Power to
Vice Warden
to make
Orders, Rules,
&c. for prac-
tice, fees, &c.

And be it further Enacted, That the Vice Warden for the time being shall have power and authority from time to time and as often as circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the forms and manner of proceeding in the Court of the Vice Warden, and the practice and pleadings in all matters to be brought therein, the appointing Commissioners to examine witnesses, the taking of examinations de bene esse, and allowing the same as evidence, the process of the said Court and the mode of executing the same, the fees reasonable to be demanded by attornies, solicitors and others and by the officers of the said Court for business by them transacted in the said Court, and such other rules, orders and regulations as shall from time to time seem necessary and proper for expediting the business of the said Court with most convenience and at most reasonable expense to the parties concerned therein, and that the Vice Warden for the time being shall have power to revoke, alter and amend the rules, orders and regulations so from time to time made: Provided That the rules, orders and regulations so at any time made by such Vice Warden for the time being are not inconsistent with this Act or any of the provisions hereip contained, and that such of them as shall apply to the Equity side of the said Court be approved of by the Lord Chancellor of England, and that such of them as apply to the Common Law side of the said Court be approved of by a Judge of one of the superior Courts of Common Law at Westminster: Provided nevertheless, That all Rules, Regulations and Orders, and all forms of practice heretofore in use, and

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25

30

35

40

all

Such Rules
and Orders
to be ap-
proved of.

Old practice
to continue
until Rules
and Orders
are made.

9

all fees heretofore authorized or accustomed to be taken in the Court of the Vice Warden for the time being or in any of the Courts of the Stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid rules, regulations and orders and forms of practice and authorized fees, until the same be altered, amended or revoked by virtue of the powers hereby given.

And be it further Enacted, That the Vice Warden for the time being shall in all cases brought before him, whether by Bill, Petition or otherwise, have power and authority to take the whole or any part of the evidence therein, either vivâ voce on oath or affirmation before himself or before the Registrar or before persons duly authorized by him for administering oaths and taking affidavits, or on depositions taken before the Registrar or Commissioners appointed for that purpose, or otherwise as the Vice Warden may from time to time direct by any general rule to be made by virtue of this Act: Provided always, That the said Vice Warden for the time being may, on interlocutory matters, and in such other cases as to him shall seem desirable, receive evidence either in whole or in part on affidavits, and that either with or without further evidence vivâ voce, or on depositions: Provided nevertheless, That the practice heretofore adopted as to taking evidence in the Court of the Vice Warden and of the Steward's Courts shall nevertheless in the meanwhile continue in each and every case until the same shall be altered by virtue hereof or of the powers herein contained.

20.
Power to Vice Warden to regulate how evidence to be taken.

Old practice to remain until otherwise ordered.

And be it further Enacted, That it shall and may be lawful for the Vice Warden to direct an issue of any fact arising before him in any suit instituted by Bill, Petition or otherwise on the Equity side of the said Court, to be tried by a Jury, and to issue process to compel the attendance of Jurors and Witnesses for that purpose, and that the Vice Warden shall have all necessary powers for trying the same, and carrying the verdict thereof into execution; and that after any such issue shall be tried, a new trial may be moved before the Vice Warden for the time being, who shall have power to grant or refuse such new trial according to the rules of the Common Law and practice of the Courts of Westminster in granting or refusing new trials.

21.
Power to Vice Warden to try an issue of fact arising on the Equity side.

Motion for new trial.

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being, whether he be at the time in the county of Cornwall or otherwise, in all cases which may be brought before him, whether in the said county of Cornwall or otherwise, but over which cases he has jurisdiction according to the provisions herein contained, to make such order by way of injunction or otherwise, as the nature of the case may require, notwithstanding he may have adjourned his Court to some future time or some other place.

22.
Power to Vice Warden to make Orders though Court adjourned or not sitting.

23.
The Vice
Warden
ordering a
person having
a share in a
Mine to pay
money in
respect of it,
may order a
sale of his
share.

And be it further Enacted, That in case the Vice-Warden shall in any proceedings instituted for that purpose, make any Decree or Decretal Order against any person for the payment of any money due or payable in respect of the working or management of or the providing goods for any Mine worked for any Metal or Metallic Mineral, and the person against whom such Order or Decretal Order shall be made, or any person in trust for him, shall have any share or interest in such Mine, and shall not pay the sum so decreed to be paid, it shall and may be lawful for the Vice Warden, under such regulations and in such way as to him shall seem fit, to cause a sale of such share or interest or of so much thereof as shall be necessary to raise such sum and the costs attending such sale.

24.
The Vice
Warden's Seal
to be the Seal
of his Court.

And be it further Enacted, That the Seal of the Stannaries heretofore used by and considered as the Seal of the Vice Warden for the time being, shall be and be deemed and taken to be the seal of the Court of the Vice Warden, and that every process issuing from either the Equity or Common Law side of the said Court shall issue under such seal, and that all orders, proceedings, documents and copies by the laws of the Stannaries as now existing, or by the Act or by any rule or order of either side of the said Court, or of the Vice Warden as Judge of the said Court, as shall be required to be sealed, shall be sealed therewith.

25.
Barristers
and Solicitors
may practise
in Vice
Warden's
Court.

If others than
Solicitors or
Attornies
practise as
Solicitors or
Attornies, a
contempt of
Court.

And be it further Enacted, That all Barristers at Law and all Attornies and Solicitors of any of the superior Courts of Law or Equity at Westminster may appear and plead in any proceedings in the said Court of the Vice Warden; and in case any person, not being an Attorney or Solicitor of such superior Courts, shall practise in the said Court of the Vice Warden as Attorney or Solicitor, he shall be deemed guilty of a contempt of the said Court, and be liable to all the penalties incident thereto, on complaint thereof made to the said Court, and that all the Laws and Statutes now in force concerning Attornies or Solicitors shall, so far as the same are applicable, extend to Attornies or Solicitors practising in the said Court of the said Vice Warden.

26.
Court to have
jurisdiction
throughout
the county of
Cornwall, to
be a Court of
Record and
held at Truro,
and at least
quarterly.

And be it further Enacted, That the Court of the Vice Warden shall have jurisdiction throughout the county of Cornwall, and be a Court of Record, and be held at Truro, in the county of Cornwall; and that the sitting of the said Court shall be held as often as shall be found necessary, and at least *Four* times in every year, *Once* in every quarter, beginning from the *First* day of *December* in each year.

27.
Appointment
of Registrar.

And be it further Enacted, That it shall and may be lawful for the Duke of Cornwall for the time being, or for His Majesty, His heirs and

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and successors, King or Queen Regnant of England for the time being, in case there shall be no Duke of Cornwall or the Duke of Cornwall for the time being shall be under age, by Letters Patent under the Privy Seal of the Duchy of Cornwall or under the Great Seal of England, as the case may be, from time to time to appoint a fit and proper person, being a Barrister at Law, or a Solicitor or Attorney of one of the superior Courts at Westminster, to be and act as the Registrar of the said Court of the Vice Warden, and to attend upon and assist the said Vice Warden in his said Court, whether sitting as a Court of Law or Equity, and to enter and draw up all orders, decrees, sentences and judgments of all kinds made and pronounced by him, and to take such accounts and to execute such references as the said Vice Warden shall direct, and that the person so appointed as Registrar shall hold his office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty, His heirs and successors, King or Queen Regnant of England for the time being, if there be no Duke of Cornwall, or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein sufficient grounds, and signed by the Vice Warden for the time being and by Five or more of the Council or of the Commissioners, or of the principal officers of the Duchy, but not otherwise, to remove the person for the time being holding the said office of Registrar.

Removal of Registrar.

Provided always, and be it Enacted, That notwithstanding any thing herein contained, the appointment to the office of such Registrar shall, during the time the present Lord Warden of the Stannaries holds such situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person appointed, and his removal, as hereinbefore contained.

28.

Present Lord Warden to have the appointment of Registrar.

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being to appoint by writing under the seal of his Court a fit and proper person to be and act as his Secretary, and as Clerk to the Registrar for the time being, and also in like manner to appoint one other fit and proper person to be and act as Prothonotary or Assistant Registrar in the said Court, and also in like manner to appoint one other fit and proper person (who shall enter into such security as the Vice Warden for the time being shall think fit) as Collector for the said Court.

29.

Appointment of Secretary to the Vice Warden and Prothonotary and Collector.

AND whereas it is expedient that the Vice Warden for the time being, and the Registrar and the other before-mentioned officers of his Court should be paid by fixed Salaries, and that all fees received by such Registrar and the other officers aforesaid, for business done in the Court, should be accounted for in manner hereinafter mentioned:

30.

AND whereas His Majesty has been graciously pleased to direct that one moiety or half-part of the Salaries of the Vice Warden, and of the before-mentioned officers of his Court, should be paid out of, and be a charge upon the revenues of the Duchy, subject nevertheless to be in part indemnified by contribution of part of such fees so to be accounted for as aforesaid : AND whereas it is expedient that for the purpose of raising money sufficient, with the remaining portion of such Court Fees, to pay the other moiety or half-part of the aforesaid salaries of the said Vice Warden and the aforesaid officers of his Court, a small assessment should be made on all Metals and metallic minerals (except Tin Ore) over all matters connected with which the jurisdiction of such Court is hereby extended as aforesaid, and which shall be, from time to time, brought to sale in or withdrawn from any Mine in the said county of Cornwall ; BE it therefore Enacted, That there shall be paid and payable, in the manner hereinafter mentioned, the yearly sums following, as and for the Salaries to the Vice Warden and the before-mentioned officers of his said Court for the time being ; (videlicet) to the Vice-Warden the sum of *One thousand Five hundred* Pounds, to the Registrar the sum of *Five hundred* Pounds, to the Person who shall be so appointed the Secretary to the Vice Warden and Clerk to the Registrar the sum of *One hundred* Pounds, to the Prothonotary or Assistant Registrar the sum of *Three hundred* Pounds, and to the Collector the sum of *Thirty* Pounds ; which said several sums shall be paid from time to time, half-yearly, in manner hereby provided, free and clear from all taxes and deductions whatsoever, on the and on the in each year, by equal portions, the first of such respective portions to be paid on the ; and that if any Person at any time holding any of the said offices shall die, resign or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to, have such proportionate part of his salary as shall have accrued during the time that such person shall have held his office since the last payment ; and that the successor of any such Person so dying, resigning or being removed as aforesaid, shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation or removal.

The Salary of the Vice Warden and other Officers.

Appointment of Salary on Death, &c.

31.
The Revenues of the Duchy charged with half the Salaries.

And be it further Enacted, That a moiety or half-part of the aforesaid salaries to the Vice Warden for the time being, and to the aforesaid Officers of his said Court, shall be a charge on the Revenues of the Duchy of Cornwall, and that the same shall be paid by the Receiver General for the time being of the said Duchy, under debentures for that purpose from the Auditor for the time being of the said Duchy, in which the said Auditor is hereby authorized to issue, and that the said Receiver General shall on the and the in each year, under the

the debentures so issued, pay, free from all deductions, the sums following; (videlicet) to the Vice Warden for the time being the sum of *Three hundred and seventy-five* Pounds, to the Registrar the sum of *One hundred and twenty-five* Pounds, to the person so appointed Secretary to the Vice Warden and Clerk to the Registrar the sum of *Twenty-five* Pounds; to the Prothonotary or Assistant Registrar the sum of *Fifty* Pounds, and to the Collector the sum of *Seven* Pounds *Ten* Shillings.

And be it further Enacted, That the person so as aforesaid appointed Secretary to the Vice Warden and Clerk to the Registrar, and the said Prothonotary or Deputy Registrar, and the said Collector, shall once in every half-year account for and pay over to the Registrar for the time being of such Court all fees received by them by virtue of their respective appointments during the previous half-year; and that the Registrar for the time being shall forthwith make out a full and true account of all fees received by him during such preceding half-year, and of all fees received by the aforesaid Officers of the said Court, and accounted for and paid to him as aforesaid for the same period; and that such Registrar shall have such account audited by the said Vice Warden for the time being, and shall transmit a copy of such account so audited to the Auditor for the time being of the said Duchy, and shall pay or cause to be paid to the said Receiver or his deputy *one-third* part of the total amount of fees so appearing to have come to the hands of such Registrar, for which sum so paid the Receiver shall on passing his accounts give credit to the Duchy in part discharge of the *moiety* of the salaries so as aforesaid charged on the Revenues of the said Duchy.

32.
The Registrar and before-mentioned Officers of the Court to account for all fees half-yearly.
Accounts to be audited and copy sent to the Auditor of the Duchy, to whom one-third to be paid in aid of the half of the Salaries charged on the Duchy Revenues.

And be it further Enacted, That there shall be paid and payable the sum of *One* Farthing in the Pound sterling on the value of all Metals and metallic minerals (except Tin Ore) which shall be from time to time brought to sale in or withdrawn from any Mine within the said county of Cornwall, and that the Head Manager of every Mine in the said county of Cornwall shall within *Ten* Days after each quarterly account of the Mine over which he is Head Manager, shall have been or ought to have been made up, transmit to the Registrar for the time being of the Vice Warden's Court a full, true and particular account and return of all Metals and metallic minerals (except Tin Ore) which shall have been brought to sale in or shall have been withdrawn from the Mine of which he is such Head Manager during the preceding quarter, and shall in such return state the value in money of the qualities of the respective Metals and metallic minerals specified therein at the time the same were respectively brought to sale or withdrawn, as the case may be; and that the Head Manager of every such Mine shall on application from the Collector

33.
Assessment of One Farthing in the Pound sterling on all Metals, &c. (except Tin) brought to sale or withdrawn.
The Head Manager to make a return quarterly of the quantity and value,

and to pay dues,

of the Vice Warden's Court pay or cause to be paid to such Collector the sum of *One* Farthing in the Pound sterling on the aggregate value of all Metals and metallic minerals (except Tin Ore) which shall have been brought to sale or withdrawn from such Mine during the preceding quarter; and that every such payment by such Head Manager shall be considered as costs, and shall on passing his account with respect to the Mine of which he is such Head Manager be allowed to him accordingly. 5

which to be allowed on passing his accounts.

34.

The Registrar out of the Assessment and the remaining fees to pay the other Moiety of the Salaries.

And be it further Enacted, That the Registrar for the time being shall, out of the Monies which shall from time to time be in his hands by means of such assessments as aforesaid, and by means of the remaining of the Court Fees as aforesaid, pay to the said Vice Warden and to himself and the other officers aforesaid of the said Court, the sums following, being other *moiety* of the said salaries, in manner following; (that is to say) shall pay on the 10
and on the 15

in each year, free from all deductions, to the said Vice Warden the sum of *Three hundred and seventy-five* Pounds, to himself the Registrar the sum of *One hundred and twenty-five* Pounds, to the person filling the situation of Secretary to the Vice Warden and Clerk to the Registrar the sum of *Twenty-five* Pounds, to the Prothonotary the sum of *Fifty* Pounds, and to the Collector the sum of *Seven* Pounds *Ten* Shillings. 20

35.

The Registrar to have his Accounts of Receipts from the Assessment, and the Fees and his payments thereout audited by the Vice Warden half-yearly.

And be it further Enacted, That the said Registrar for the time being shall at the end of every half-year lay before the Vice Warden for the time being, a full, true and particular account of the balance remaining in his hands at the commencement of such preceding half-year, and of all monies received by him during such last half-year in respect of such assessment as aforesaid, and when, and from whom, and from what Mine received; and also shall in such account give credit for the remaining portion of the said Court Fees so in his hands after such payment to the Auditor of the Duchy as aforesaid; and shall also in like manner lay before the Vice Warden a full, true and particular account of all salaries and other expenses paid by such Registrar during the same period; and that a balance shall be thereby struck, showing the balance remaining in the hands of such Registrar at the end of the then last half-year; and that thereupon the Vice-Warden for the time being shall and is hereby required to audit the said account, and also the said account for Court Fees hereinbefore mentioned, and if the same shall be found correct to allow the same respectively, by putting his signature thereto; and that such accounts when so allowed shall be filed amongst the records of the said Court, and be open for the inspection of all persons in the usual way: Provided always, That if it shall at any time appear to the Vice Warden 25
30
35
40
for

If at the end of any half-year's account

for the time being on auditing such account of the Registrar, that there remains a general balance in his hands sufficient to meet all payments hereby authorized to be made thereout for the next half-year, then and in such case the Vice Warden shall have power and is hereby required to give notice thereof by advertisement in the county papers; or in such way as he shall think fit; and that thereupon no assessment shall be made or become payable in respect of the said *One Farthing* in the Pound sterling on the value of all Metals and metallic minerals as aforesaid, during such succeeding half-year:
 10 Provided nevertheless, That although no such assessment shall in such case be made during such period, the said Manager of every Mine is required to and shall make such return as aforesaid to the said Registrar, of all Metals and metallic minerals (except Tin Ore) brought to sale or withdrawn from the Mine over which he is such Head
 15 Manager, precisely as if such assessments were or would be payable in respect of the ore specified in such return.

a balance appears sufficient to meet the next half-year's expenditure, no assessment to be made until the expiration of such year.

Nevertheless the Head Manager to make the returns.

And be it further Enacted, That if the Head Manager of any Mine shall omit to make such full, true and particular return as hereby required, of the quantities of Metals and metallic minerals (except
 20 Tin Ore) brought to sale or withdrawn as aforesaid, in the Mine of which he is such Head Manager, or of the value thereof, as is hereby required, or shall on demand made omit to pay, or cause to be paid, such assessment as aforesaid, or shall wilfully make any false or incorrect return; then and in every such case such Head Manager
 25 shall be subject for every such offence to a penalty of the same to be recovered in the Court of the Vice Warden by the Registrar thereof, who shall receive the same, and give credit for the amount thereof in his next half-yearly accounts.

36. Penalty on Head Manager omitting to make any return, or making a false return.

And be it Enacted, That the Vice Warden for the time being may and shall in the present and every succeeding year order the Clerk of the Peace of the county of Cornwall to make out a duplicate of the Jurors' book at the time in use, or about to be brought into use, or of such part of the said book as such Vice Warden may think fit to specify in such order; and the Clerk of the Peace, upon the receipt
 35 of such order, shall, with all convenient speed, make out such duplicate and deliver the same to the Registrar of the Court of such Vice Warden; and that every such duplicate shall be the book of Jurors, qualified and liable to serve as jurymen in all cases before the Vice Warden for the time being, and that every such duplicate shall be
 40 kept by the Registrar, and shall be by him used as the Jurors' book for the time being.

37. Jurors.

And be it Enacted, That the Registrar of the said Court shall cause to be summoned *One Week* before the first day of each sitting of such Vice Warden, *Forty-eight* persons named in the Jurors' book by him

38. Summoning of Jurors.

kept as aforesaid, to attend at the time and place appointed for holding such sitting ; and every such summons shall be, according to the Form given in Number 2 to the said Schedule (A.) hereto annexed, and shall be served either personally on each such person or by leaving it at his dwelling-house ; and that in summoning such persons, regard shall always be had to the convenience of the individuals so summoned, and the nearness of their places of abode to the place where the Court is holden ; and no person shall be summoned oftener than *Once* in a year. 5

39.
Ballot and
Challenge of
Jurors.

Jury to consist of Twelve.
Jury de circumstantibus.

And be it Enacted, That the Registrar of the said Court shall make a List of the Jurors so summoned, together with the places of abode and additions, and shall cause their names to be written severally on slips of paper and put into a box, and the names of the Jurors for the trial of causes shall be drawn out of the box by the Registrar ; and each party may, until no more than *Twelve* remain, object to any person whose name is drawn out, without assigning any cause ; and if any objection is made to the *Twelve* so remaining, it must be stated to and decided on by the Vice Warden for the time being ; and if any such objection be allowed, the names of the Jurors rejected without cause assigned shall be returned to the box, and drawn again, until a sufficient number be found to make a Jury of *Twelve* ; and such Jury of *Twelve* shall be the Jury sworn for the trial : Provided always, That if there shall not be *Twelve* persons attending, or against whom no objection shall have been allowed, it shall be lawful for the said Vice Warden to order the requisite number of persons from among the by-standers to be summoned by the Registrar, and sit on the Jury, subject to any objections which may be made for causes assigned, except for want of qualification or want of summons : Provided also, That the said Vice Warden may, if he sees fit, direct the Registrar to divide the list of *Forty-eight* Jurors into *Two* Lists, and to require the persons in the *One* List to attend and serve for so many days at the beginning of the sittings as the said Vice Warden shall order, and those in the other List to attend and serve for the residue of the sittings, according as the said Vice Warden shall think fittest for the convenience of the said persons ; and then and in that case the Registrar shall divide the said List of *Twelve* Jurors into *Two* Lists, and cause the persons named in each of such Lists to be summoned to attend on different days accordingly. 10 15 20 25 30 35

40.
Penalty on
Jurors for
non-attendance.

And be it Enacted, That if any person having been duly summoned to attend as a Juror in the Court of the Vice Warden, shall not attend in pursuance of such summons, or being *thrice* called in Court shall not answer to his name, or if any such person being present in Court, or any such by-stander in Court, after having been called shall not duly appear, or after his appearance shall wilfully withdraw himself 40

himself from the presence of the said Court, it shall be lawful for the said Vice Warden to impose such fine upon every such person or bystander so making default (unless some reasonable excuse shall be given to the satisfaction of the said Vice Warden) as to the said Vice Warden shall seem meet; and if such fine shall not be paid at the time ordered by the said Vice Warden, the same shall and may be levied by Writ of Fieri facias to be issued out of the Common Law side of the said Court of the Vice Warden.

And be it further Enacted, That the Vice Warden for the time being shall and may appoint a fit and proper person to be Crier and Usher of his said Court, who shall hold his office during the pleasure of the Vice Warden for the time being, and may be removed in a summary manner, and may and shall receive such fees for acting as Crier and Usher of the said Court, as the said Vice Warden shall from time to time by virtue of the provisions herein contained authorize.

41.
Appointment
of Crier and
Usher.

And be it further Enacted, That the Vice Warden for the time being shall not during his continuance in such office practise as a Barrister, and that the Registrar for the time being of the said Court, shall not during his continuance in such office practise as a Barrister or Solicitor or Attorney in such Court, or in any other Court of Law or Equity in the United Kingdom of England and Ireland.

42.
Vice Warden
and Registrar
not to practise.

And be it further Enacted, That the Vice Warden for the time being shall not demand or take, upon any pretence, any fee, gratuity or reward whatever, and that such Registrar and other aforesaid officers of the said Court, appointed under this Act, shall not demand or take, upon any pretence whatever, any fee, gratuity or reward, other than and except such as are hereby authorized, or as shall be from time to time settled and allowed by the Vice Warden for the time being by virtue hereof, or of the provisions herein contained; and that if any such person shall offend in that behalf, he shall be removed from the office he shall then hold, and be disabled from again holding the same or any other office under this Act.

43.
Vice Warden,
Registrar and
other Officers
to take no
fees, &c.
except as
hereby pro-
vided, &c.

Be it further Enacted, That a Table of all Fees for the time being authorized by the Vice Warden to be taken by any solicitor or attorney practising in his said Court, or by any officer of his said Court, for business done therein, shall be hung up in some conspicuous place in such Court.

44.
A List of Fees
to be hung up.

AND whereas the Gaol belonging to the Courts heretofore the Courts of the Vice Warden and of the Stannaries is situate at Lostwithiel, in the said county of Cornwall: AND whereas it would tend more to the

45.
The County
Prison at
Bodmin to be
the Prison of
the Vice
Warden's
Court.

public convenience that the Court of the Vice Warden should use as its gaol or prison for all purposes, the prison belonging to the county of Cornwall, and situate at Bodmin, in lieu or place of the said gaol at Lostwithiel; BE it therefore Enacted, That every person hereafter arrested or taken prisoner, or detained by virtue of any writ, process, order, decree or proceeding, issuing out of or from or by either side of the said Court of the Vice Warden of the Stannaries, or committed for contempt of the said Court, shall be taken to the county prison at Bodmin, in the said county of Cornwall, or to other the prison for the time being of the said county, in the same manner, and subject to the same provisions and regulations in every respect, as if such person were arrested and conveyed to the prison by virtue of any writ, process, order, decree, or proceeding issuing out of any of the superior Courts of Law or Equity at Westminster, or committed for contempt by any of the said last-mentioned Courts, and the goaler or keeper for the time being of such County Prison as aforesaid is hereby authorized and required to receive into such County Prison every person so arrested and conveyed to prison by virtue of any writ, process, order, decree or proceeding issuing out of or from or by either side of the said Court of the Vice Warden, or so committed for contempt of the said Court as aforesaid; and to maintain, support and provide for every such person, in the same manner as if he had been arrested and brought to the said County Prison by virtue of any writ, process, order, decree or proceeding, issued out of any of the superior Courts of Law or Equity at Westminster, or were committed for contempt of any of the said last-mentioned Courts; and that all and singular the charges and expenses of maintaining, supporting and providing for every person so arrested or committed to the said County Prison as aforesaid, shall be paid and defrayed out of such portion of county rate of the said county of Cornwall as for the time being shall be applicable to the support of the debtors confined in the said County Prison.

46.
Repeal of
Clauses,
on Convoca-
tion Act,
mentioned in
Schedule (B.)

AND whereas at a Convocation of Stannators, or Parliament of Tinners for the said Stannaries, held at Truro on twenty-fifth day of August, in the twenty-sixth year of the reign of his late Majesty King GEORGE the Second, by virtue of his Majesty's Commission under his Privy Seal, certain Laws and Constitutions made at previous Convocations, and certain other Laws and Constitutions were declared and enacted: AND whereas certain of the Sections and Clauses in such Laws and Constitutions are inapplicable and unsuited to the present state of Mining in the County of Cornwall, and it is therefore expedient to repeal the same: AND whereas it is desirable that the said Laws and Constitutions should be preserved, so far as they are not hereby repealed, or are not inconsistent herewith, or with the laws of the realm,

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realm, or with the powers hereby authorized, and that the powers, authorities and regulations therein contained should be applicable to this Act; BE it therefore Enacted, That all and singular the Sections and Clauses of the several Laws and Constitutions aforesaid, mentioned and set forth in the Schedule (B.) hereto annexed, be and the same are hereby severally repealed and annulled.

Provided always, and be it further Enacted, That such repeal and annulment of the said Sections and Clauses or any of them shall not extend or be construed to extend so as to revive or give any force or effect to any Act of Convocation, law, custom or usage repealed, annulled or abrogated by any of the same Sections or Clauses.

47.
Such Repeal not to give effect to any law or custom abrogated by said Clauses.

And be it also Enacted, That save as to such repeal as aforesaid all jurisdictions, powers and authorities by the said Convocation given to or required to be exercised by the Lord Warden, Vice Warden or Steward, or any Judge of any of the Stannaries, shall be and are hereby given to and required to be exercised by the Vice Warden for the time being, and that all penalties thereby required or authorized to be paid or recovered, and all oaths thereby required or authorized to be taken, and all trials by Jury thereby directed, and all other acts, matters and things thereby required or authorized to be had or done in any of the Courts of the Stannaries, or before the Lord Warden, Vice Warden or Steward of any of the Stannaries, shall be and are hereby required and authorized to be paid, recovered, taken, had and done before the Vice Warden or in the Court of the Vice Warden, as the case may be, and that all proclamations, returns, certificates, exhibits, matters and things thereby required to be made, transmitted or given to or deposited with any of the Courts of the Stannaries or the Lord Warden, Vice Warden or Steward of any of the Stannaries, shall be and are hereby required to be made, transmitted and given to and deposited with the Court of the Vice Warden; and that all entries respecting bounds thereby required to be entered in the Court Books or in any of the Courts of the Stannaries, shall be entered in a book to be kept for that purpose by the Registrar of the said Court, and all bonds and recognizances thereby required to be entered into shall be entered into before the Registrar of the said Court.

48.
The expressions in the Convocation Acts made applicable to this Act, and the powers given to the Vice Warden and his Court.

And be it further Enacted, That all Acts, statutes, laws, liberties, privileges, customs, rights, usages and freedoms at the time of passing this Act in force in any of the Stannaries of the said county of Cornwall shall, notwithstanding any thing herein contained, continue and be and have the same force and effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the laws of this realm, or inconsistent with

49.
All existing laws, customs, &c. not inconsistent with this Act or the law of the realm preserved.

the provisions herein contained, or are annulled, repealed or altered hereby, or by means of any of the powers and authorities hereby given.

50.
Convocation
of Stannators
may be called
as heretofore.

And be it further Enacted, That notwithstanding any thing herein contained, the Duke of Cornwall for the time being, or His Majesty, His heirs and successors, Kings of England, in case there shall be no Duke of Cornwall, shall and may have full power and authority to issue a Commission, in manner heretofore accustomed, calling together a Convocation of *Twenty-four* Stannators or Parliament of Tinnors, and that such Convocation or Parliament assembled shall have full power and authority to make statutes, ordinances, provisions and proclamations as heretofore, notwithstanding any thing herein contained.

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51.
Interpretation
of this Act.

And be it further Enacted, That wherever this Act, in describing or referring to any person or matter or thing, uses the words importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and to females as well as males, and bodies corporate as well as individuals, and several matters or things respectively, as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction, and that wherever the word "Plaintiff" or "Defendant" is used, it shall mean the person instituting the proceedings, or the person against whom proceedings are instituted respectively, in whatever way such proceedings are commenced; and wherever the word "Mine" is used, it shall mean any Mine, work or adventure wherein or connected with which any Metals or metallic minerals are worked; and that wherever the words "Head Manager of any Mine" is used, it shall mean the Captain, Purser or other Person who for the time being shall have the principal superintendence over such Mine; and that the powers hereby given to the Lord Chancellor of England, shall and may be used by the Lords Commissioners for the custody of, or the Lord Keeper of the Great Seal for the time being.

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52.
Commence-
ment of the
Act.

And be it further Enacted, That this Act shall commence and take effect on the day of *One thousand eight hundred and Thirty*

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53.
May be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session of Parliament.

SCHEDULES

To which the foregoing ACT refers.

SCHEDULE (A.)

No. 1.—WRIT OF DISTRINGAS.

WILLIAM the Fourth, &c.

To the Sheriff of Cornwall, Greeting.

WE command you, That you omit not by reason of any liberty in your Bailiwick, but that you enter the same and distrain upon the goods and chattels of C. D. for the sum of *Forty* Shillings, in order to compel his appearance in Our Court of the Vice Warden of the Stannaries in Cornwall, at Truro, to answer A. B. in a plea of trespass on the case, [or, debt, as the case may be]; and how you shall execute this Our Writ you make known to Our Judge at Truro, on the
 day of now next ensuing.

Witness, at Truro, the
 day of in the year of our reign.

NOTICE to be subscribed to the foregoing WRIT.

IN the Court of the Vice Warden of the Stannaries at Truro,
 Between A. B., Plaintiff,
 and
 C. D., Defendant.

Mr. C. D.

TAKE Notice, That I have this day distrained upon your goods and chattels in the sum of *Forty* Shillings, in consequence of your not having appeared in the said Court to answer to the said A. B., according to the exigency of a Writ of Summons, bearing teste on the
 day of and that, in default of your appearance to the present Writ, within *Eight* Days inclusive after the return hereof, the said A. B. will cause an Appearance to be entered for you, and proceed thereon to judgment and execution.

No. 2.—FORM of SUMMONS to JURORS.

YOU are hereby required to attend and serve as a Juror at the sitting to be holden before Vice Warden of the Stannaries, at his Court, on the day of next.

To A. B. Registrar of
 day of 183

SCHEDULE (B.)

THE SECTIONS OF CLAUSES OF ACTS OF CONVOCATION hereby REPEALED.

Act of Convocation of 22d James I., Sections or Clauses 12, 13, 14, 15. 25, 26. 28, 29, 30, 31, 32, 33. 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47.

Act of Convocation of 11 & 12 Charles I., Sections or Clauses 29 & 33.

Act of Convocation of 2 James II., Sections or Clauses 5, 6, 7, 8. 12. 14, 15. 20. 22, 23. 28, 29. 32 & 33.

Act of Convocation of 26 George II., Sections or Clauses 11. 17 & 19.

Stannaries Courts.

A

B I L L

To make provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.

*(Prepared and brought in by
Lord John Russell and Mr. Attorney General.)*

*Ordered, by The House of Commons, to be Printed,
27 June 1836.*

15 July 1836.—7 WILL. IV.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To make provision for the better and more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.

W H E R E A S there has existed throughout the Stannaries Preamble.
of *Cornwall*, a Court in which the Vice Warden has in certain cases, wherein Tin or Tinnars or matters connected with Tin are concerned, exercised original Equitable Jurisdiction :

5 And whereas there has existed a Court in each of the Stannaries of *Cornwall*, called the Steward's Court, and in which the Steward of the Stannaries has exercised a Common Law Jurisdiction in such like cases :

10 And whereas the Jurisdiction so exercised by the Vice Warden and the Steward respectively has been confined to cases wherein Tin or Tinnars are concerned :

15 And whereas in late times Lead, Copper and other Metals and metallic minerals than Tin have been discovered in the County of *Cornwall*, and over the matters connected with the working for and purifying and smelting of which Lead, Copper and other Metals and metallic minerals, such Jurisdiction has not been considered to extend :

And whereas the various Persons in the said County working and interested in such Lead, Copper and other Metals and metallic minerals are greatly inconvenienced in their disputes, in cases where such Metals and metallic minerals other than Tin are concerned, and are put to great inconvenience in obtaining redress therein :

And whereas it is expedient to unite the Court of Equity of the Vice Warden with the Courts of Common Law of the Steward of the said Stannaries, and to extend the Jurisdiction of the Court to and over all Metals and metallic minerals in the said Stannaries, and to and over all transactions connected therewith in the said County of *Cornwall* in manner hereinafter mentioned; and also to confirm, alter and enlarge the powers of such Court in various particulars, and to make other provision than heretofore for the hearing of Appeals and Writs of Error therefrom; ~~BE~~ **it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the death or resignation or other removal of the present Vice Warden it shall and may be lawful for the Duke of *Cornwall* for the time being, if of full age, or His Majesty and His successors, King or Queen Regnant of *England* for the time being, if there be no Duke of *Cornwall*, or if the Duke of *Cornwall* for the time being is under age, to nominate and appoint from time to time (by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the case may be) a fit Person, being a Barrister-at-Law of Five Years' standing at the least, to be and be called the Vice Warden of the Stannaries.

1.
Appointment
of future Vice
Warden.

2.
Vice Warden,
Office for life.

Power of
Removal.

3.
Present Lord
Warden to
have the ap-
pointment of
Vice Warden
in case of
vacancy.

And be it further Enacted, That the present Vice Warden and every future Vice Warden shall be Judge of the Court hereinafter mentioned, and which shall have both a Common Law and an Equity side, and shall comprehend the Court heretofore the Court of the Vice Warden, and the Court heretofore the Courts of the Stannaries, and that the Vice Warden for the time being shall hold such office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of *Cornwall* for the time being, if of full age, or His Majesty and His successors, King or Queen Regnant of *England* for the time being, if there is no Duke of *Cornwall*, or if the Duke of *Cornwall* for the time being be under age, on a requisition to him for that purpose, stating therein at length sufficient grounds, and signed by the majority or Five of the Council or of the Commissioners or principal Officers of the Duchy of *Cornwall*, but not otherwise, (the Lord Warden of the Stannaries being always one of the persons signing such requisition), to remove the person for the time being holding the said office of Vice Warden.

Provided always, and be it Enacted, That notwithstanding any thing herein contained, the appointment of Vice Warden (should any vacancy occur during the time the present Lord Warden of the Stannaries holds that situation) shall be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person to be appointed Vice Warden, and his removal, as hereinbefore contained.

And

And be it further Declared and Enacted, That the original Equitable Jurisdiction heretofore exercised by the Vice Warden for the time being, has been rightfully and lawfully exercised, and that the same shall and may be lawfully exercised by the present and every future
 5 Vice Warden for the time being, and that the present and every future Vice Warden for the time being shall have, exercise and enjoy the same Equitable Jurisdiction, and the same power and authority in all matters and things brought before him, so far as relates to the working, managing, conducting or carrying on any Mine worked for
 10 any Lead, Copper or other Metal or metallic mineral within the said county of *Cornwall*, or to the searching for, working, smelting or purifying any Lead, Copper or other Metal or metallic mineral within the said county, in as full and ample a manner as if the same had related to any Tin, or Tin Ore, or Tin Mine, or Mine worked for
 15 Tin in the said county.

4.
 Equitable Jurisdiction of Vice Warden in matters connected with Tin confirmed.

The Equitable Jurisdiction extended over matters connected with all Metals and metallic minerals in the County, in the same way as heretofore over Tin.

Provided nevertheless, and be it Enacted, That all Decrees, Orders and Acts, as well already or hereafter to be made or done by the Vice Warden for the time being, shall in each and every case be subject to be re-heard and varied by the Vice Warden for the time being, and
 20 that the Lord Warden for the time being shall have full power and authority on any appeal or appeals presented to him for that purpose, within the time limited by the practice of the Court, (such appeal or appeals being left with the Secretary of the Lord Warden at the Duchy Office), and with the aid and assistance of Three
 25 or more Members of the Judicial Committee of His Majesty's Privy Council for the time being, to affirm, alter or reverse any Decrees, Orders or Acts already or hereafter made or done by the Vice Warden for the time being, either in whole or in part, and to dismiss such appeal or appeals, with costs or otherwise, as may to the Lord Warden
 30 so aided and assisted seem just : Provided, That the judgment pronounced by the Lord Warden so aided and assisted on any appeal or appeals presented, shall be transmitted to the Court of the Vice Warden to be by such Court carried into effect.

5.
 Subject to re-hearing and Appeal.

Order on Appeal to be transmitted to Vice Warden's Court.

And be it further Enacted, That the Courts of Law of the respective Stannaries heretofore held before the Stewards or Steward thereof, shall be one Court for all the Stannaries, and shall be held by and before the Vice Warden for the time being, who, as Judge thereof, shall have, exercise and enjoy the same Common Law jurisdiction, and the same powers, privileges and authorities with reference thereto,
 35 and shall transact, do and perform the same duties, matters and things in relation thereto, as have been and are and shall hereafter be required or authorized to be transacted, done or performed, or to be exercised or enjoyed by the Steward for the time being of any of the Stannaries.

6.
 The Courts of the Stannaries consolidated and to be held before the Vice Warden,

who are to have the same Jurisdiction in Tin and Tin matters as the Steward has had.

7.
And to have
similar Juris-
diction in all
cases con-
nected with
other Metals
and metallic
minerals in
Cornwall.

Appeal.

Judgment on
Appeal to be
sent to the
Vice Warden's
Court.

No Appeal
after Verdict
of Jury except
on error of
law.

8.
Service of
Subpœna on
Witnesses
good in any
part of Eng-
land or Wales.

And be it further Enacted, That such Vice Warden for the time being shall also have, exercise and enjoy the same Common Law Civil Jurisdiction and the same power and authority in all matters and things which shall be brought before him in any way connected with the working, managing, conducting or carrying on any Mine worked for Lead, Copper or any other Metal or metallic mineral within the said County of *Cornwall*, or in any way relating to Lead, Copper or any other Metal or metallic mineral, or the searching for, working, smelting or purifying Lead, Copper or any other Metal or metallic mineral within the said county, in as full and ample a manner as if the same had been connected with or related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin in the said county: Provided always, That it shall and may be lawful for either or any of the Parties, Plaintiff or Defendant, against whom any judgment or order or sentence shall be given, to appeal therefrom to the Lord Warden for the time being, and that the Lord Warden for the time being shall have power and authority to receive appeals (the same to be lodged with his Secretary at the Duchy Office as aforesaid) from such judgments, orders and sentences, and shall have power and authority, being aided and assisted by Three or more Members of the Judicial Committee of His Majesty's Privy Council for the time being, to hear such appeals, and to affirm, alter and reverse such judgments, orders or sentences in whole or in part, or to dismiss the said appeals with costs or otherwise, as may be just: Provided always, That a Record of every judgment, order or sentence pronounced by the Lord Warden, so aided and assisted as aforesaid, and signed by such Lord Warden, be remitted to the Court of the Vice Warden, to be by such Court carried into effect, according to law: Provided also, That upon any appeal from any judgment upon the verdict of a Jury, the Lord Warden so aided and assisted as aforesaid, shall not reverse, alter or inquire into the said judgment, except only for error of law apparent upon the Record.

Be it Enacted, That the service of every Writ of Subpœna to attend and give evidence, hereafter to be issued out of either side of the said Court of the Vice Warden, and served upon any person in any part of *England* or *Wales*, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said Court of the Vice Warden; and that in case the person so served shall not appear according to the exigency of such Writ, it shall be lawful for the said Court of the said Vice Warden, upon oath or affirmation to be taken in open Court or affidavit of the personal service of such Writ, to transmit a certificate of such default under the seal of the said Court to the Court of King's Bench at *Westminster*; and the said last-mentioned Court may and shall

Enforced by
process from
King's Bench.

shall thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the same Court, the person so having made default, in such and the like manner as the same Court might have done if such person had neglected or refused to appear in obedience to a writ of subpœna issued to compel the attendance of witnesses out of such last-mentioned Court.

9.
Provided ex-
penses
tendered to
them.

Provided always, and be it further Enacted, That the said Court of King's Bench shall not in any such case as aforesaid proceed against or punish any person, nor shall any such person be liable to any action for having made default by not appearing to give evidence in obedience to any such Writ of Subpœna as aforesaid for that purpose, issued under the authority of this Act, unless it shall be made to appear to the said Court of King's Bench, or to a Judge thereof, that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna was served upon such person.

10.
Original
Process from
either side
of the Court
may be served
throughout
England and
Wales.

And be it further Enacted, That the service of every Writ of Subpœna, Summons or other original process hereafter issued from either the Common Law or Equity side of the said Court of the Vice Warden, and served upon any person residing in any part of *England* or *Wales*, out of the jurisdiction of the said Court, shall be valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies whatsoever, according to the nature of such writ of subpœna, summons or other process, as if the same had been served within the jurisdiction of such Court.

11.
If no appear-
ance after due
service, ap-
pearance may
be entered
upon terms
by Plaintiff.

And be it further Enacted, That where any party against whom proceedings have been instituted, on either the Common Law or Equity side of the Court of the Vice Warden, shall have been duly served with original process to appear, or to appear and answer thereto, and shall refuse or neglect to appear, an appearance shall and may, after the expiration of Seven Days after he has been duly served, if the party has been served within the jurisdiction of the Court, and after the expiration of Fourteen Days after he has been duly served, if he has been served beyond such jurisdiction, be entered for such party at the instance of the party instituting such proceedings; such appearance to be entered in such manner and form, and subject to such proof of due service by affidavit or affirmation, or otherwise, as the Vice Warden by any general order or orders made in pursuance of this Act shall direct, and that upon appearance being so entered up, such further proceedings may be had against the party whose appearance is so entered up as if he had actually appeared.

12.

If the Defendant was within Jurisdiction, but has absconded and cannot be served, then provisions of 1 Will. 4, c. 36, to apply to enable the party to take Decree pro confesso on Equity side.

Provided the Vice Warden satisfied that the party has resided within the jurisdiction within a year.

13.

If on the Common Law side the Defendant was within the Jurisdiction, but had absconded and cannot be served, a Distringas may issue.

AND whereas by an Act passed in the first year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts and the taking Bills pro Confesso," certain provisions are made and powers given in cases where persons have withdrawn themselves beyond the seas, or otherwise absconded to avoid appearing in courts of equity, or being served with process for that purpose, or being brought into Court by Habeas Corpus have refused to appear: AND whereas such provisions and powers are thereby extended only to the Court of Chancery, Court of Exchequer, and Court of the Duchy Chamber of *Lancaster* at *Westminster*, and to the Courts of Equity of the Counties Palatine of *Chester*, *Lancaster* and *Durham*, and of the Great Session in *Wales*: AND whereas it is expedient that the same provisions and power should be extended to the Equity side of the said Court of the Vice Warden; BE it therefore Enacted, That from and after the passing of this Act, all and every the provisions therein contained and powers thereby given, shall be, and the same are hereby, so far as the same are applicable, extended to the Court of the said Vice Warden, and that whether the proceedings therein be commenced by petition, bill or otherwise: Provided always, That before the Vice Warden makes any decree or order, or issues any process under the powers and provisions in the said recited Act contained, and hereby extended to the Equity side of the said Court of the said Vice Warden, it must be made to appear to the satisfaction of the Vice Warden for the time being, that the person against whom the decree or order is to be made, or process to be issued, has resided within the jurisdiction of such Court of the said Vice Warden within One Year before the making such decree or order, or the issuing such process.

And be it further Enacted, That in case it shall be made appear to the satisfaction of the Vice Warden for the time being that any Defendant has not been personally served with any Writ of Summons issuing out of the Common Law side of the said Court, and has not according to the exigency thereof appeared to the same, and cannot beserved or compelled to appear without some more efficacious process, and that the said Defendant has resided within the jurisdiction of the said Court within One Year from the time of the application made to the said Court, then and in every such case it shall and may be lawful for such Court to order a Writ of Distringas to be issued, directed to the Sheriff of the said county of Cornwall, or to any other officer to be named by the Vice Warden, in order to compel the appearance of such Defendant; which Writ of Distringas shall be in the Form and with the Notice subscribed thereto mentioned in the Schedule to this Act, and marked Number 1; and which Writ of Distringas and Notice,

Notice, or a copy thereof, shall be served on such Defendant if he can be met with, or if not, shall be left at the place where such Distringas shall be executed; and a true copy of every such Writ and Notice shall be delivered together therewith to the Sheriff or other officer to whom

5 such Writ shall be directed, and every such Writ shall be made returnable on a day certain to be named therein, not being less than Fifteen Days after the teste thereof; and if such Writ of Distringas shall be returned "non est inventus" and "nulla bona," and the Defendant

10 within Eight Days inclusive after the return of such Writ, and it shall be made to appear to the satisfaction of the said Court that due and proper means were taken and used to serve and execute such Writ of Distringas, it shall be lawful for such Court to authorize the party suing out such Writ of Distringas to enter an appearance

15 for such Defendant, and to proceed thereon to judgment and execution.

And be it further Enacted, That whenever a Plaintiff or Defendant in any action or suit in which judgment shall be recovered in the said Court of the Vice Warden shall remove his person or goods or chattels from or out of the jurisdiction of the said Court of the Vice Warden, it

20 shall and may be lawful for any of the superior Courts at *Westminster*, upon a certificate from the Registrar, under the seal of the said Court of the said Vice Warden, of the amount of final judgment obtained in any such action, to issue a Writ of Execution thereupon for the amount of such judgment, and the costs of such Writ and Certificate, to the

25 Sheriff of any county, city, liberty or place, against the person or goods of the party against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said superior Courts at *Westminster*.

And be it further Enacted, That in case any Rule of the said Court

30 of the Vice Warden cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such Rule by the Registrar under the seal of the said Court of the said Vice Warden, and an affidavit that by reason of such non-residence such rule cannot be enforced, to make such rule

35 a rule of any one of the said Courts at *Westminster*, if such superior Court shall think fit, and that thereupon such rule shall be enforced as a rule of such superior Court.

And be it further Enacted, That neither the Vice Warden for the

40 time being, nor the Court of such Vice Warden shall have, use or exercise any power or authority save as hereby provided, and that any person against whom proceedings shall be instituted in the Court of the Vice Warden shall after the appearance entered be at liberty

14.

Where Judgment obtained and the person and effects cannot be found within the jurisdiction of the Court of the Vice Warden, any of the superior Courts may issue execution in manner pointed out.

15.

Rule of the Court which cannot be otherwise enforced may be enforced by making it a Rule of superior Court at Westminster.

16.

The Vice Warden to have no jurisdiction except as hereby provided, and any parties may demur

to jurisdiction of the Court, but if not the jurisdiction not to be questioned.

to demur or plead to the jurisdiction of the said Court, but that no question as to the jurisdiction of the said Court with respect to the matters embraced in such proceedings shall hereafter be raised unless such person shall within Fourteen Days after appearance entered by or on behalf of himself, or entered by the person instituting such proceedings in manner hereby provided, demur or plead to such proceedings by filing a statement of the grounds of such demurrer or plea at the Registrar's Office, and serving a copy thereof on the person instituting such proceedings, or his solicitor or attorney.

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17.
Power to Vice Warden to make Orders, Rules, &c. for practice, fees, &c.

And be it further Enacted, That the Vice Warden for the time being shall have power and authority from time to time and as often as circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the forms and manner of proceeding in the Court of the Vice Warden, and the practice and pleadings in all matters to be brought therein, the appointing Commissioners to examine witnesses, the taking of examinations de bene esse, and allowing the same as evidence, the process of the said Court and the mode of executing the same, the fees reasonable to be demanded by attornies, solicitors and others and by the officers of the said Court for business by them transacted in the said Court, and such other rules, orders and regulations as shall from time to time seem necessary and proper for expediting the business of the said Court with most convenience and at most reasonable expense to the parties concerned therein, and that the Vice Warden for the time being shall have power to revoke, alter and amend the rules, orders and regulations so from time to time made: Provided, That the rules, orders and regulations so at any time made by such Vice Warden for the time being are not inconsistent with this Act or any of the provisions herein contained, and that such of them as shall apply to the Equity side of the said Court be approved of by the Lord Chancellor of *England*, and that such of them as apply to the Common Law side of the said Court be approved of by a Judge of one of the superior Courts of Common Law at *Westminster*: Provided nevertheless, That all Rules, Regulations and Orders, and all forms of practice heretofore in use, and all fees heretofore authorized or accustomed to be taken in the Court of the Vice Warden for the time being or in any of the Courts of the Stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid rules, regulations and orders and forms of practice and authorized fees, until the same be altered, amended or revoked by virtue of the powers hereby given.

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Such Rules and Orders to be approved of.

Old practice to continue until Rules and Orders are made.

18.
Power to Vice Warden to regulate how evidence to be taken.

And be it further Enacted, That the Vice Warden for the time being shall in all cases brought before him, whether by Bill, Petition or otherwise,

otherwise, have power and authority to take the whole or any part of the evidence therein, either *vivâ voce* on oath or affirmation before himself or before the Registrar or before persons duly authorized by him for administering oaths and taking affidavits, or on depositions
5 taken before the Registrar or Commissioners appointed for that purpose, or otherwise as the Vice Warden may from time to time direct by any general rule to be made by virtue of this Act: Provided always, That the said Vice Warden for the time being may, on interlocutory matters, and in such other cases as to him shall seem desirable,
10 receive evidence either in whole or in part on affidavits, and that either with or without further evidence *vivâ voce*, or on depositions: Provided nevertheless, That the practice heretofore adopted as to taking evidence in the Court of the Vice Warden and of the Steward's Courts shall nevertheless in the meanwhile continue in each and every case
15 until the same shall be altered by virtue hereof, or of the powers herein contained.

Old practice to remain until otherwise ordered.

And be it further Enacted, That it shall and may be lawful for the Vice Warden to direct an issue of any fact arising before him in any suit instituted by Bill, Petition or otherwise on the Equity side of the
20 said Court, to be tried by a Jury, and to issue process to compel the attendance of Jurors and Witnesses for that purpose, and that the Vice Warden shall have all necessary powers for trying the same, and carrying the verdict thereof into execution; and that after any such issue shall be tried, a new trial may be moved before the Vice Warden for
25 the time being, who shall have power to grant or refuse such new trial according to the rules of the Common Law and practice of the Courts of *Westminster* in granting or refusing new trials.

19.
Power to Vice Warden to try an issue of fact arising on the Equity side.

Motion for new trial.

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being, whether he be at the time in the
30 county of *Cornwall* or otherwise, in all cases which may be brought before him, whether in the said county of *Cornwall* or otherwise, but over which cases he has jurisdiction according to the provisions herein contained, to make such order by way of injunction or otherwise, as the nature of the case may require, notwithstanding he may have
35 adjourned his Court to some future time or some other place.

20.
Power to Vice Warden to make Orders though Court adjourned or not sitting.

And be it further Enacted, That in case the Vice-Warden shall in any proceedings instituted for that purpose, make any Decree or Decretal Order against any person for the payment of any money due or payable in respect of the working or management of or the
40 providing goods for any Mine worked for any Metal or Metallic Mineral, and the person against whom such Order or Decretal Order shall be made, or any person in trust for him, shall have any share or interest in such Mine, and shall not pay the sum so decreed to be paid,

21.
The Vice Warden ordering a person having a share in a Mine to pay money in respect of it, may order a sale of his share.

it shall and may be lawful for the Vice Warden, under such regulations and in such way as to him shall seem fit, to cause a sale of such share or interest or of so much thereof as shall be necessary to raise such sum and the costs attending such sale.

22.
The Vice
Warden's Seal
to be the Seal
of his Court.

And be it further Enacted, That the Seal of the Stannaries heretofore used by and considered as the Seal of the Vice Warden for the time being, shall be and be deemed and taken to be the seal of the Court of the Vice Warden, and that every process issuing from either the Equity or Common Law side of the said Court shall issue under such seal, and that all orders, proceedings, documents and copies by the laws of the Stannaries as now existing, or by the Act or by any rule or order of either side of the said Court, or of the Vice Warden as Judge of the said Court, as shall be required to be sealed, shall be sealed therewith. 5 10

23.
Barristers
and Solicitors
may practise
in Vice
Warden's
Court.

If others than
Solicitors or
Attornies
practise as
Solicitors or
Attornies, a
contempt of
Court.

And be it further Enacted, That all Barristers at Law and all Attornies and Solicitors of any of the superior Courts of Law or Equity at *Westminster* may appear and plead in any proceedings in the said Court of the Vice Warden; and in case any person, not being an Attorney or Solicitor of such superior Courts, shall practise in the said Court of the Vice Warden as Attorney or Solicitor, he shall be deemed guilty of a contempt of the said Court, and be liable to all the penalties incident thereto, on complaint thereof made to the said Court, and that all the Laws and Statutes now in force concerning Attornies or Solicitors shall, so far as the same are applicable, extend to Attornies or Solicitors practising in the said Court of the said Vice Warden. 15 20 25

24.
Court to have
jurisdiction
throughout
the county of
Cornwall, to
be a Court of
Record and
held at *Truro*,
and at least
quarterly.

And be it further Enacted, That the Court of the Vice Warden shall have jurisdiction throughout the county of *Cornwall*, and be held at *Truro*, in the said county, and shall be a Court of Record, and shall have all the powers, rights, privileges and incidents of a Court of Record, as fully and amply to all intents and purposes as the same are used or exercised or enjoyed by any of His Majesty's Courts of Law at *Westminster*; and that the Vice Warden for the time being shall have, use, exercise and enjoy all the powers, rights, privileges and exemptions of a Court of Record; and that the sitting of the said Court shall be held as often as shall be found necessary, and at least Four times in every year, Once in every quarter, beginning from the First day of January in each year. 30 35

25.
Appointment
of Registrar.

And be it further Enacted, That it shall and may be lawful for the Duke of *Cornwall* for the time being, or for His Majesty, His heirs and successors, King or Queen Regnant of *England* for the time being, in case there shall be no Duke of *Cornwall*, or the Duke of *Cornwall* 40

Cornwall for the time being shall be under age, by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the case may be, from time to time to appoint a fit and proper person, being a Barrister at Law, or a Solicitor or Attorney of one of the superior Courts at *Westminster*, to be and act as the Registrar of the said Court of the Vice Warden, and to attend upon and assist the said Vice Warden in his said Court, whether sitting as a Court of Law or Equity, and to enter and draw up all orders, decrees, sentences and judgments of all kinds made and pronounced by him, and to take such accounts and to execute such references as the said Vice Warden shall direct, and that the person so appointed as Registrar shall hold his office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of *Cornwall* for the time being, if of full age, or His Majesty, His heirs and successors, King or Queen Regnant of *England* for the time being, if there be no Duke of *Cornwall*, or if the Duke of *Cornwall* for the time being be under age, on a requisition to him for that purpose, stating therein sufficient grounds, and signed by the Vice Warden for the time being and by Five or more of the Council or of the Commissioners, or of the principal officers of the Duchy, but not otherwise, to remove the person for the time being holding the said office of Registrar.

Removal of Registrar.

Provided always, and be it Enacted, That notwithstanding any thing herein contained, the appointment to the office of such Registrar shall, during the time the present Lord Warden of the Stannaries holds such situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person appointed, and his removal, as hereinbefore contained.

26.

Present Lord Warden to have the appointment of Registrar.

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being to appoint by writing under the seal of his Court a fit and proper person to be and act as his Secretary, and as Clerk to the Registrar for the time being, and also in like manner to appoint one other fit and proper person to be and act as Prothonotary or Assistant Registrar in the said Court, and also in like manner to appoint one other fit and proper person (who shall enter into such security as the Vice Warden for the time being shall think fit) as Collector for the said Court.

27.

Appointment of Secretary to the Vice Warden and Prothonotary and Collector.

AND whereas it is expedient that the Vice Warden for the time being, and the Registrar and the other before-mentioned officers of his Court should be paid by fixed Salaries, and that all fees received by such Registrar and the other officers aforesaid, for business done in the Court, should be accounted for in manner hereinafter mentioned: AND whereas His Majesty has been graciously pleased to direct that one moiety or half-part of the Salaries of the Vice Warden, and of the

28.

before-mentioned officers of his Court, should be paid out of, and be a charge upon the revenues of the Duchy, subject nevertheless to be in part indemnified by contribution of part of such fees so to be accounted for as aforesaid : AND whereas it is expedient that for the purpose of raising money sufficient, with the remaining portion of such Court Fees, to pay the other moiety or half-part of the aforesaid salaries of the said Vice Warden and the aforesaid officers of his Court, a small assessment should be made on all Metals and metallic minerals (except Tin Ore) over all matters connected with which the jurisdiction of such Court is hereby extended as aforesaid, and which shall be, from time to time, brought to sale in or withdrawn from any Mine in the said county of *Cornwall* ; BE it therefore Enacted, That there shall be paid and payable, in the manner hereinafter mentioned, the yearly sums following, as and for the Salaries to the Vice Warden and the before-mentioned officers of his said Court for the time being ; (*videlicet*) to the Vice Warden the sum of One thousand five hundred Pounds, to the Registrar the sum of Five hundred Pounds, to the Person who shall be so appointed the Secretary to the Vice Warden and Clerk to the Registrar the sum of One hundred Pounds, to the Prothonotary or Assistant Registrar the sum of Two hundred Pounds, and to the Collector the sum of Thirty Pounds ; which said several sums shall be paid from time to time, half-yearly, in manner hereby provided, free and clear from all taxes and deductions whatsoever, on the Twenty-fifth day of March and on the Twenty-ninth day of September in each year, by equal portions, the first of such respective portions to be paid on the Twenty-fifth day of March next ; and that if any Person at any time holding any of the said offices shall die, resign or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to have such proportionate part of his salary as shall have accrued during the time that such person shall have held his office since the last payment ; and that the successor of any such Person so dying, resigning or being removed as aforesaid, shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation or removal.

The Salary of the Vice Warden and other Officers.

Apportionment of Salary on Death, &c.

29.
The Revenues of the Duchy charged with half the Salaries.

And be it further Enacted, That a moiety or half-part of the aforesaid salaries to the Vice Warden for the time being, and to the aforesaid Officers of his said Court, shall be a charge on the Revenues of the Duchy of *Cornwall*, and that the same shall be paid by the Receiver General for the time being of the said Duchy, under debentures for that purpose from the Auditor for the time being of the said Duchy, in which the said Auditor is hereby authorized to issue, and that the said Receiver General shall on the

and the in each year, under the debentures so issued, pay, free from all deductions, the sums following ; (*videlicet*) to the Vice Warden for the time being the sum of Three

37

Three hundred and seventy-five Pounds, to the Registrar the sum of One hundred and twenty-five Pounds, to the person so appointed Secretary to the Vice Warden and Clerk to the Registrar the sum of Twenty-five Pounds; to the Prothonotary or Assistant Registrar the sum of Fifty Pounds, and to the Collector the sum of Seven Pounds Ten Shillings.

And be it further Enacted, That the person so as aforesaid appointed Secretary to the Vice Warden and Clerk to the Registrar, and the said Prothonotary or Deputy Registrar, and the said Collector, shall once in every half-year account for and pay over to the Registrar for the time being of such Court all fees received by them by virtue of their respective appointments during the previous half-year; and that the Registrar for the time being shall forthwith make out a full and true account of all fees received by him during such preceding half-year, and of all fees received by the aforesaid Officers of the said Court, and accounted for and paid to him as aforesaid for the same period; and that such Registrar shall have such account audited by the said Vice Warden for the time being, in which account and audit there may and shall be charged and allowed such small sums of money as to the Vice Warden shall seem reasonable, for the keeping order in, and the lighting, airing and cleansing the place in which such Court shall be held, and shall transmit a copy of such account so audited to the Auditor for the time being of the said Duchy, and shall pay or cause to be paid to the said Receiver or his deputy One-third part of the total amount of fees so appearing to have come to the hands of such Registrar, for which sum so paid the Receiver shall on passing his accounts give credit to the Duchy in part discharge of the moiety of the salaries so as aforesaid charged on the Revenues of the said Duchy.

30.
The Registrar and before-mentioned Officers of the Court to account for all fees half-yearly.

Accounts to be audited and copy sent to the Auditor of the Duchy, to whom one-third to be paid in aid of the half of the Salaries charged on the Duchy Revenues.

And be it further Enacted, That there shall be paid and payable the sum of One Farthing in the Pound sterling on the value of all Metals and metallic minerals (except Tin Ore) which shall be from time to time brought to sale in or withdrawn from any Mine within the said county of *Cornwall*, and that the Head Manager of every Mine in the said county of *Cornwall* shall within Ten Days after each quarterly account of the Mine over which he is Head Manager, shall have been or ought to have been made up, transmit to the Registrar for the time being of the Vice Warden's Court a full, true and particular account and return of all Metals and metallic minerals (except Tin Ore) which shall have been brought to sale in or shall have been withdrawn from the Mine of which he is such Head Manager during the preceding quarter, and shall in such return state the value in money of the qualities of the respective Metals and metallic minerals specified therein at the time the same were respectively brought to sale or withdrawn, as the case may be; and that the Head Manager of every such Mine shall on application from the Collector

31.
Assessment of One Farthing in the Pound sterling on all Metals, &c. (except Tin) brought to sale or withdrawn.

The Head Manager to make a return quarterly of the quantity and value,

and to pay dues,

which to be
allowed on
passing his
accounts.

of the Vice Warden's Court pay or cause to be paid to such Collector the sum of One Farthing in the Pound sterling on the aggregate value of all Metals and metallic minerals (except Tin Ore) which shall have been brought to sale or withdrawn from such Mine during the preceding quarter; and that every such payment by such Head Manager shall be considered as costs, and shall on passing his account with respect to the Mine of which he is such Head Manager be allowed to him accordingly.

32.
The Registrar
out of the
Assessment
and the re-
maining fees
to pay the
other Moiety
of the Salaries.

And be it further Enacted, That the Registrar for the time being shall, out of the Monies which shall from time to time be in his hands by means of such assessments as aforesaid, and by means of the remaining of the Court Fees as aforesaid, pay to the said Vice Warden and to himself and the other officers aforesaid of the said Court, the sums following, being other moiety of the said salaries, in manner following; (that is to say) shall pay on the Twenty-fifth day of March and on the Twenty-ninth day of September in each year, free from all deductions, to the said Vice Warden the sum of Three hundred and seventy-five Pounds, to himself the Registrar the sum of One hundred and twenty-five Pounds, to the person filling the situation of Secretary to the Vice Warden and Clerk to the Registrar the sum of Twenty-five Pounds, to the Prothonotary the sum of Fifty Pounds, and to the Collector the sum of Seven Pounds Ten Shillings.

33.
The Registrar
to have his
Accounts of
Receipts from
the Assess-
ment, and the
Fees and his
payments
thereout
audited by the
Vice Warden
half-yearly.

And be it further Enacted, That the said Registrar for the time being shall at the end of every half-year lay before the Vice Warden for the time being, a full, true and particular account of the balance remaining in his hands at the commencement of such preceding half-year, and of all monies received by him during such last half-year in respect of such assessment as aforesaid, and when, and from whom, and from what Mine received; and also shall in such account give credit for the remaining portion of the said Court Fees so in his hands after such payment to the Auditor of the Duchy as aforesaid; and shall also in like manner lay before the Vice Warden a full, true and particular account of all salaries and other expenses paid by such Registrar during the same period; and that a balance shall be thereby struck, showing the balance remaining in the hands of such Registrar at the end of the then last half-year; and that thereupon the Vice-Warden for the time being shall and is hereby required to audit the said account, and also the said account for Court Fees hereinbefore mentioned, and if the same shall be found correct to allow the same respectively, by putting his signature thereto; and that such accounts when so allowed shall be filed amongst the records of the said Court, and be open for the inspection of all persons in the usual way: Provided always, That if it shall at any time appear to the Vice Warden for the time being on auditing such account of the Registrar, that there

If at the end
of any half-
year's account

there remains a general balance in his hands sufficient to meet all payments hereby authorized to be made thereout for the next half-year, then and in such case the Vice Warden shall have power and is hereby required to give notice thereof by advertisement in the county
 5 papers, or in such way as he shall think fit; and that thereupon no assessment shall be made or become payable in respect of the said One Farthing in the Pound sterling on the value of all Metals and metallic minerals as aforesaid, during such succeeding half-year: Provided nevertheless, That although no such assessment shall in such
 10 case be made during such period, the said Manager of every Mine is required to and shall make such return as aforesaid to the said Registrar, of all Metals and metallic minerals (except Tin Ore) brought to sale or withdrawn from the Mine over which he is such Head Manager, precisely as if such assessments were or would be payable
 15 in respect of the ore specified in such return.

a balance appears sufficient to meet the next half-year's expenditure, no assessment to be made until the expiration of such year.

Nevertheless the Head Manager to make the returns.

And be it further Enacted, That if the Head Manager of any Mine shall omit to make such full, true and particular return as hereby required, of the quantities of Metals and metallic minerals (except Tin Ore) brought to sale or withdrawn as aforesaid, in the Mine of
 20 which he is such Head Manager, or of the value thereof, as is hereby required, or shall on demand made omit to pay, or cause to be paid, such assessment as aforesaid, or shall wilfully make any false or incorrect return; then and in every such case such Head Manager shall be subject for every such offence to a penalty of Fifty Pounds, the same to be recovered by action of debt in the Court of the Vice
 25 Warden by the Registrar thereof, who shall receive the same, and give credit for the amount thereof in his next half-yearly accounts.

34. Penalty on Head Manager omitting to make any return, or making a false return.

And be it Enacted, That the Vice Warden for the time being may
 30 and shall in the present and every succeeding year order the Clerk of the Peace of the county of *Cornwall* to make out a duplicate of the Jurors' book at the time in use, or about to be brought into use, or of such part of the said book as such Vice Warden may think fit to specify in such order; and the Clerk of the Peace, upon the receipt
 35 of such order, shall, with all convenient speed, make out such duplicate and deliver the same to the Registrar of the Court of such Vice Warden; and that every such duplicate shall be the book of Jurors, qualified and liable to serve as jurymen in all cases before the Vice Warden for the time being, and that every such duplicate shall be
 40 kept by the Registrar, and shall be by him used as the Jurors' book for the time being.

35. Jurors.

And be it Enacted, That the Registrar of the said Court shall cause to be summoned One Week before the first day of each sitting of such Vice Warden, Forty-eight persons named in the Jurors' book by him
 449. kept

36. Summoning of Juries.

kept as aforesaid, to attend at the time and place appointed for holding such sitting; and every such summons shall be, according to the Form given in Number 2 to the said Schedule hereto annexed, and shall be served either personally on each such person or by leaving it at his dwelling-house; and that in summoning such persons, regard shall always be had to the convenience of the individuals so summoned, and the nearness of their places of abode to the place where the Court is holden; and no person shall be summoned oftener than Once in a year.

37.
Ballot and
Challenge of
Jurors.

Jury to consist of Twelve.

Jury de circumstantibus.

And be it Enacted, That the Registrar of the said Court shall make a List of the Jurors so summoned, together with the places of abode and additions, and shall cause their names to be written severally on slips of paper and put into a box, and the names of the Jurors for the trial of causes shall be drawn out of the box by the Registrar; and each party may, until no more than Twelve remain, object to any person whose name is drawn out, without assigning any cause; and if any objection is made to the Twelve so remaining, it must be stated to and decided on by the Vice Warden for the time being; and if any such objection be allowed, the names of the Jurors rejected without cause assigned shall be returned to the box, and drawn again, until a sufficient number be found to make a Jury of Twelve; and such Jury of Twelve shall be the Jury sworn for the trial: Provided always, That if there shall not be Twelve persons attending, or against whom no objection shall have been allowed, it shall be lawful for the said Vice Warden to order the requisite number of persons from among the by-standers to be summoned by the Registrar, and sit on the Jury, subject to any objections which may be made for causes assigned, except for want of qualification or want of summons: Provided also, That the said Vice Warden may, if he sees fit, direct the Registrar to divide the list of Forty-eight Jurors into Two Lists, and to require the persons in the One List to attend and serve for so many days at the beginning of the sittings as the said Vice Warden shall order, and those in the other List to attend and serve for the residue of the sittings, according as the said Vice Warden shall think fittest for the convenience of the said persons; and then and in that case the Registrar shall divide the said List of Forty-eight Jurors into Two Lists, and cause the persons named in each of such Lists to be summoned to attend on different days accordingly.

38.
Penalty on
Jurors for
non-attendance.

And be it Enacted, That if any person having been duly summoned to attend as a Juror in the Court of the Vice Warden, shall not attend in pursuance of such summons, or being thrice called in Court shall not answer to his name, or if any such person being present in Court, or any such by-stander in Court, after having been called shall not duly appear, or after his appearance shall wilfully withdraw himself

41

himself from the presence of the said Court, it shall be lawful for the said Vice Warden to impose such fine upon every such person or by-stander so making default (unless some reasonable excuse shall be given to the satisfaction of the said Vice Warden) as to the said Vice Warden shall seem meet; and if such fine shall not be paid at the time ordered by the said Vice Warden, the same shall and may be levied by Writ of Fieri facias to be issued out of the Common Law side of the said Court of the Vice Warden.

And be it further Enacted, That the Vice Warden for the time being shall and may appoint a fit and proper person to be Crier and Usher of his said Court, who shall hold his office during the pleasure of the Vice Warden for the time being, and may be removed in a summary manner, and may and shall receive such fees for acting as Crier and Usher of the said Court, as the said Vice Warden shall from time to time by virtue of the provisions herein contained authorize.

39.
Appointment
of Crier and
Usher.

And be it further Enacted, That the Vice Warden for the time being shall not during his continuance in such office practise as a Barrister, and that the Registrar for the time being of the said Court, shall not during his continuance in such office practise as a Barrister or Solicitor or Attorney in such Court, or in any other Court of Law or Equity in the United Kingdom of *England* and *Ireland*.

40.
Vice Warden
and Registrar
not to practise.

And be it further Enacted, That the Vice Warden for the time being shall not demand or take, upon any pretence, any fee, gratuity or reward whatever, and that such Registrar and other aforesaid officers of the said Court, appointed under this Act, shall not demand or take, upon any pretence whatever, any fee, gratuity or reward, other than and except such as are hereby authorized, or as shall be from time to time settled and allowed by the Vice Warden for the time being by virtue hereof, or of the provisions herein contained; and that if any such person shall offend in that behalf, he shall be removed from the office he shall then hold, and be disabled from again holding the same or any other office under this Act.

41.
Vice Warden,
Registrar and
other Officers
to take no
fees, &c.
except as
hereby pro-
vided, &c.

Be it further Enacted, That a Table of all Fees for the time being authorized by the Vice Warden to be taken by any solicitor or attorney practising in his said Court, or by any officer of his said Court, for business done therein, shall be hung up in some conspicuous place in such Court.

42.
A List of Fees
to be hung up.

AND whereas the Gaol belonging to the Courts heretofore the Courts of the Vice Warden and of the Stannaries is situate at *Lostwithiel*, in the said county of *Cornwall*: AND whereas it would tend more to the

43.
The County
Prison at
Bodmin to be
the Prison of
the Vice
Warden's
Court.

public convenience that the Court of the Vice Warden should use as its gaol or prison for all purposes, the prison belonging to the county of *Cornwall*, and situate at *Bodmin*, in lieu or place of the said gaol at *Lostwithiel*; BE it therefore Enacted, That every person hereafter arrested or taken prisoner, or detained by virtue of any writ, process, order, decree or proceeding, issuing out of or from or by either side of the said Court of the Vice Warden of the Stannaries, or committed for contempt of the said Court, shall be taken to the county prison at *Bodmin*, in the said county of *Cornwall*, or to other the prison for the time being of the said county, in the same manner, and subject to the same provisions and regulations in every respect, as if such person were arrested and conveyed to the prison by virtue of any writ, process, order, decree, or proceeding issuing out of any of the superior Courts of Law or Equity at *Westminster*, or committed for contempt by any of the said last-mentioned Courts, and the goaler or keeper for the time being of such County Prison as aforesaid is hereby authorized and required to receive into such County Prison every person so arrested and conveyed to prison by virtue of any writ, process, order, decree or proceeding issuing out of or from or by either side of the said Court of the Vice Warden, or so committed for contempt of the said Court as aforesaid; and to maintain, support and provide for every such person, in the same manner as if he had been arrested and brought to the said County Prison by virtue of any writ, process, order, decree or proceeding, issued out of any of the superior Courts of Law or Equity at *Westminster*, or were committed for contempt of any of the said last-mentioned Courts; and that all and singular the charges and expenses of maintaining, supporting and providing for every person so arrested or committed to the said County Prison as aforesaid, shall be paid and defrayed out of such portion of county rate of the said county of *Cornwall* as for the time being shall be applicable to the support of the debtors confined in the said County Prison.

44.
The expressions in the Convocation Acts made applicable to this Act, and the powers given to the Vice Warden and his Court.

AND whereas at a Convocation of Stannators, or Parliament of Tinners for the said Stannaries, held at *Truro* on twenty-fifth day of August, in the twenty-sixth year of the reign of his late Majesty King GEORGE the Second, by virtue of his Majesty's Commission under his Privy Seal, certain Laws and Constitutions made at previous Convocations, and certain other Laws and Constitutions were declared and enacted; BE it Enacted, That all jurisdictions, powers and authorities by the said Convocation given to or required to be exercised by the Lord Warden, Vice Warden or Steward, or any Judge of any of the Stannaries, shall be and are hereby given to and required to be exercised by the Vice Warden for the time being, and that all penalties thereby required or authorized to be paid or recovered, and all oaths thereby required or authorized to be taken, and

and all trials by Jury thereby directed, and all other acts, matters and things thereby required or authorized to be had or done in any of the Courts of the Stannaries, or before the Lord Warden, Vice Warden or Steward of any of the Stannaries, shall be and are hereby required and authorized to be paid, recovered, taken, had and done before the Vice Warden or in the Court of the Vice Warden, as the case may be, and that all proclamations, returns, certificates, exhibits, matters and things thereby required to be made, transmitted or given to or deposited with any of the Courts of the Stannaries or the Lord Warden, Vice Warden or Steward of any of the Stannaries, shall be and are hereby required to be made, transmitted and given to and deposited with the Court of the Vice Warden; and that all entries respecting bounds thereby required to be entered in the Court Books or in any of the Courts of the Stannaries, shall be entered in a book to be kept for that purpose by the Registrar of the said Court, and all bonds and recognizances thereby required to be entered into shall be entered into before the Registrar of the said Court.

Provided always, and be it Declared and Enacted, That nothing herein contained shall or shall be considered or construed to extend to or to interfere with or vary in any way any right or title to any Tin Bounds in the said county of *Cornwall*, nor the interest or claims of any person of, in or to any Tin Bounds.

45.
Nothing herein contained to affect Tin Bounds.

And be it further Enacted, That all Acts, statutes, laws, liberties, privileges, customs, rights, usages and freedoms at the time of passing this Act in force in any of the Stannaries of the said county of *Cornwall* shall, notwithstanding any thing herein contained, continue and be and have the same force and effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the laws of this realm, or inconsistent with the provisions herein contained, or are annulled, repealed or altered hereby, or by means of any of the powers and authorities hereby given.

46.
All existing laws, customs, &c. not inconsistent with this Act or the law of the realm preserved.

And be it further Enacted, That wherever this Act, in describing or referring to any person or matter or thing, uses the words importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and to females as well as males, and bodies corporate as well as individuals, and several matters or things respectively, as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction, and that wherever the word "Plaintiff" or "Defendant"

47.
Interpretation of this Act.

is used, it shall mean the person instituting the proceedings, or the person against whom proceedings are instituted respectively, in whatever way such proceedings are commenced; and wherever the word "Mine" is used, it shall mean any Mine, work or adventure wherein or connected with which any Metals or metallic minerals are worked; and that wherever the words "Head Manager of any Mine" is used, it shall mean the Captain, Purser or other Person who for the time being shall have the principal superintendence over such Mine; and that the powers hereby given to the Lord Chancellor of *England*, shall and may be used by the Lords Commissioners for the custody of, or the Lord Keeper of the Great Seal for the time being.

48.
Commence-
ment of the
Act.

And be it further Enacted, That this Act shall commence and take effect on the Twenty-ninth day of September One thousand eight hundred and Thirty-six.

49.
May be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session of Parliament.

SCHEDULE

To which the foregoing ACT refers.

No. 1.—WRIT OF DISTRINGAS.

WILLIAM the Fourth, &c.

To the Sheriff of *Cornwall*, Greeting.

WE command you, That you omit not by reason of any liberty in your Bailiwick, but that you enter the same and distrain upon the goods and chattels of *C. D.* for the sum of Forty Shillings, in order to compel his appearance in Our Court of the Vice Warden of the Stannaries in *Cornwall*, at *Truro*, to answer *A. B.* in a plea of trespass on the case, [*or, debt, as the case may be*]; and how you shall execute this Our Writ you make known to Our Judge at *Truro*, on the day of now next ensuing.

Witness, at Truro, the
day of in the year of our reign.

NOTICE to be subscribed to the foregoing WRIT.

IN the Court of the Vice Warden of the Stannaries at *Truro*,
Between *A. B.*, Plaintiff,
and
C. D., Defendant.

Mr. C. D.

TAKE Notice, That I have this day distrained upon your goods and chattels in the sum of Forty Shillings, in consequence of your not having appeared in the said Court to answer to the said *A. B.*, according to the exigency of a Writ of Summons, bearing teste on the _____ day of _____ and that, in default of your appearance to the present Writ, within Eight Days inclusive after the return hereof, the said *A. B.* will cause an Appearance to be entered for you, and proceed thereon to judgment and execution.

No. 2.

And whereas the various persons in the said County working and interested in such Lead, Copper and other Metals and Metallic Minerals are greatly inconvenienced in their disputes in cases where such Metals and Metallic Minerals other than Tin are concerned, and are put to great inconvenience in obtaining redress therein :

And whereas it is expedient to unite the Court of Equity of the Vice Warden with the Courts of Common Law of the Steward of the said Stannaries, and to extend the Jurisdiction of the Court to and over all Metals and Metallic Minerals in the said Stannaries, and to and over all transactions connected therewith in the said County of Cornwall, in manner hereinafter mentioned, and also to confirm, alter and enlarge the powers of such Court in various particulars, and to make other provision than heretofore for the hearing of Appeals and Writs of Error therefrom ;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the death or resignation or other removal of the present Vice Warden, it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and His Successors, King or Queen Regnant of England for the time being, if there be no Duke of Cornwall, or if the Duke of Cornwall for the time being is under age, to nominate and appoint from time to time (by Letters Patent under the Privy Seal of the Duchy of Cornwall or under the Great Seal of England, as the case may be,) a fit person, being a Barrister at Law of Five Years' standing at the least, to be and be called the Vice Warden of the Stannaries.

3

I.
Appointment
of future
Vice Warden.

II.
Vice Warden,
office during
good beha-
viour.

And be it further Enacted, That the present Vice Warden and every future Vice Warden shall be Judge of the Court hereinafter mentioned, and which shall have both a Common Law and an Equity side, and shall comprehend the Court heretofore the Court of the Vice Warden and the Court heretofore the Courts of the Stannaries, and that the Vice Warden for the time being shall hold such office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and His Successors, King or Queen Regnant of England for the time being, if there is no Duke of Cornwall, or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein at length sufficient grounds, and signed by the majority or Five of the Council, or of the Commissioners or principal Officers of the Duchy of Cornwall, but not otherwise, (the Lord Warden of the Stannaries being always one of the persons signing such requisition) to

4

Power of
Removal.

remove

remove the Person for the time being holding the said Office of Vice-Warden.

Provided always, and be it Enacted, That, notwithstanding any thing herein contained, the appointment of Vice Warden (should any vacancy occur during the time the present Lord Warden of the Stannaries holds that situation) shall be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person to be appointed Vice Warden, and his removal, as hereinbefore contained.

III.
Present Lord Warden to have the appointment of Vice-Warden in case of vacancy.

5 And be it further Declared and Enacted, That the Original Equitable Jurisdiction heretofore *lawfully* exercised by the Vice Warden for the time being ⁽¹⁾, shall and may be ⁽²⁾ *henceforth* exercised by the present and every future Vice Warden for the time being, and that the present and every future Vice Warden for the time being shall have, exercise and enjoy the same Equitable Jurisdiction, and the same power and authority in all matters and things brought before him, so far as relates to the working, managing, conducting or carrying on any Mine worked for any Lead, Copper, or other Metal or Metallic Mineral within the said County of Cornwall, or to the searching for, working, smelting or purifying any Lead, Copper, or other Metal or Metallic Mineral within the said County, in as full and ample a manner as if the same had related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin in the said County: Provided always, That nothing herein contained shall be deemed or taken to affect any suit or matter now pending in any Court of Law or Equity.

IV.
Equitable Jurisdiction of Vice Warden in matters connected with Tin confirmed.

The Equitable Jurisdiction extended over matters connected with all Metals and Metallic Minerals in the County, in the same way as heretofore over Tin.

6 Provided nevertheless, and be it Enacted, That all decrees, orders and acts, as well already or hereafter to be made or done by the Vice Warden for the time being, shall in each and every case be subject to be re-heard and varied by the Vice Warden for the time being, according to the practice of the Court, and that the Lord Warden for the time being shall have full power and authority on any Appeal or Appeals presented to him for that purpose, within the time limited by the practice of the Court (such Appeal or Appeals being left with the Secretary of the Lord Warden at the Duchy Office), and with the aid and assistance of Three or more Members of the Judicial Committee of His Majesty's Privy Council for the time being, to affirm, alter or reverse any decrees, orders or acts already or hereafter made or done by the Vice Warden for the time being, either in whole or in part, and to dismiss such Appeal or
7 Appeals, with costs or otherwise, as may to the Lord Warden so aided

V.
Subject to re-hearing and Appeal.

(1) has been rightfully and lawfully exercised, and that the same

(2) lawfully

Order on Appeal to be transmitted to Vice Warden's Court.

aided and assisted seem just: Provided that the judgment pronounced by the Lord Warden so aided and assisted on any appeal or appeals presented, shall be transmitted to the Court of the Vice Warden, to be by such Court carried into effect, *and shall be subject to appeal to the Lords Spiritual and Temporal in Parliament assembled.*

VI.

The Courts of the Stannaries consolidated, and to be held before the Vice Warden, who is to have the same jurisdiction in Tin and Tin matters as the Steward has had;

And be it further Enacted, That the Courts of Law of the respective Stannaries heretofore held before the Stewards or Steward thereof shall be one Court for all the Stannaries, and shall be held by and before the Vice Warden for the time being, who as Judge thereof shall have, exercise and enjoy the same common law jurisdiction, and the same powers, privileges, and authorities with reference thereto, and shall transact, do and perform the same duties, matters and things in relation thereto, as have *heretofore* been ⁽¹⁾ *lawfully* transacted, done, ⁽²⁾ performed or to be exercised or enjoyed by the Steward for the time being of any of the Stannaries.

VII.

and to have similar jurisdiction in all cases connected with other Metals and Metallic Minerals in Cornwall.

And be it further Enacted, That such Vice Warden for the time being shall also have, exercise and enjoy the same Common Law jurisdiction and the same power and authority in all matters and things which shall be brought before him in any way connected with the working, managing, conducting or carrying on any Mine worked for lead, copper or any other metal or metallic mineral within the said County of Cornwall, or in any way relating to lead, copper or any other metal or metallic mineral, or the searching for, working, smelting, or purifying lead, copper or any other metal or metallic mineral within the said County, in as full and ample a manner as if the same had been connected with or related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin in the said County: Provided always, That it shall and may be lawful for either or any of the parties, Plaintiff or Defendant, against whom any judgment or order or sentence shall be given, to appeal therefrom to the Lord Warden for the time being, and that the Lord Warden for the time being shall have power and authority to receive Appeals (the same to be lodged with his Secretary at the Duchy Office as aforesaid) from such judgments, orders and sentences, and shall have power and authority, being aided and assisted by Three or more Members of the Judicial Committee of His Majesty's Privy Council for the time being, to hear such Appeals, and to affirm, alter and reverse such judgments, orders or sentences, in whole or in part, or to dismiss the said Appeals, with costs or otherwise, as may be just: Provided always, That a record of every judgment, order or sentence pronounced

Appeal.

Judgment on Appeal to be sent to the Vice Warden's Court.

⁽¹⁾ and are or shall hereafter be required or authorized to be

⁽²⁾ or

nounced by the Lord Warden, so aided and assisted as aforesaid, and signed by such Lord Warden, be remitted to the Court of the Vice Warden, to be by such Court carried into effect according to Law : Provided also, That upon any appeal from any judgment upon the verdict of a Jury, the Lord Warden, so aided and assisted as aforesaid, shall not reverse, alter or inquire into the said judgment, except only for Error of Law apparent upon the Record ; and that every judgment of the Lord Warden shall be subject to an appeal to the Lords Spiritual in Parliament assembled.

No Appeal after Verdict of Jury, except on Error of Law.

And be it further Enacted, That any party to any Action at Law brought in the said Court, may apply for a new Trial in any such Action to the Vice Warden within Eight days after the trial of such cause, if the said Vice Warden shall be then sitting, or within the first Four days of the next Term ; and the said Vice Warden may grant a new Trial upon any of the grounds on which new Trials are now granted by the Courts at Westminster, and upon such terms and conditions as by the said Vice Warden shall be thought reasonable ; and the said Vice Warden, if he shall think that an impartial Trial cannot be had in Cornwall, may direct that the Nisi Prius Record on any cause shall be sent to the Judges of Assize for the County of Devon, who shall have authority to try such cause, and after the Trial to cause such Record to be transmitted to the Court of the Vice Warden, who shall proceed on the said Record as if the cause had been tried in his own Court : Provided always, That the orders of the said Vice Warden upon such application for a new Trial, shall be subject to such appeal as hereinbefore provided as to other Decrees, Orders and Acts of the said Vice Warden.

VIII.
Parties to any Action at Law brought in the said Court may apply for a new Trial.

10 And be it Enacted, That the service of every Writ of Subpœna to attend and give evidence hereafter to be issued out of either side of the said Court of the Vice Warden, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said Court of the Vice Warden ; and that in case the person so served shall not appear according to the exigency of such writ, it shall be lawful for the said Court of the said Vice Warden, upon oath or affirmation to be taken in open Court, or affidavit of the personal service of such writ, to transmit a certificate of such default under the seal of the said Court to the Court of King's Bench at Westminster ; and the said last-mentioned Court may and shall thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the same Court, the person so having made default, in such and the like manner as the same Court might have done if such person had neglected or refused to appear in obedience to a Writ of

11

IX.
Service of Subpœna on Witnesses good in any part of England or Wales.

Enforced by Process from King's Bench.

Subpœna issued to compel the attendance of witnesses out of such last-mentioned Court.

X.
Provided
Expenses
tendered to
them.

Provided always, and be it further Enacted, That the said Court of King's Bench shall not in any such case as aforesaid proceed against or punish any person, nor shall any such person be liable to any Action for having made default by not appearing to give evidence in obedience to any such Writ of Subpœna as aforesaid for that purpose, issued under the authority of this Act, unless it shall be made to appear to the said Court of King's Bench that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence had been tendered to such person at the time when such Writ of Subpœna was served upon such person.

XI.
Where judg-
ment ob-
tained, and
the Person
and Effects
cannot be
found within
the Jurisdic-
tion of the
Court of the
Vice Warden,
any of the
Superior
Courts may
issue execu-
tion in man-
ner pointed
out.

And be it further Enacted, That whenever a Plaintiff or Defen- 12
dant in any action or suit in which judgment shall be recovered in the said Court of the Vice Warden shall remove his person or goods or chattels from or out of the jurisdiction of the said Court of the Vice Warden, it shall and may be lawful for any of the Superior Courts at Westminster, upon a Certificate from the Registrar, under the seal of the said Court of the said Vice Warden, of the amount of final judgment obtained in any such action, to issue a Writ of Execution thereupon for the amount of such judgment and the costs of such Writ and Certificate to the Sheriff of any County, City, Liberty or place, against the person or goods of the party against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said Superior Courts at Westminster.

XII.
Rule of the
Court which
cannot be
otherwise
enforced, may
be enforced by
making it a
rule of Supe-
rior Court at
Westminster.

And be it further Enacted, That in case any Rule of the said Court of the Vice Warden cannot be enforced by reason of the non- 13
residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such rule by the Registrar, under the seal of the said Court of the said Vice Warden, and an affidavit that by reason of such non-residence such rule cannot be enforced, to make such rule a rule of any one of the said Courts at Westminster, if such Superior Court shall think fit, and that thereupon such rule shall be enforced as a rule of such Superior Court.

XIII.
The Vice
Warden to
have no juris-
diction except
as hereby
provided, and
any Parties
may demur
to jurisdic-

And be it further Enacted, That neither the Vice Warden for the time being, nor the Court of such Vice Warden shall have, use or exercise any power or authority save as hereby provided, and that any person against whom proceedings shall be instituted in the Court of the Vice Warden shall, after the appearance entered, be at liberty, to

to demur or plead to the jurisdiction of the said Court, but that no question as to the jurisdiction of the said Court with respect to the matters embraced, in such proceedings shall hereafter be raised unless such person shall within Fourteen days after appearance entered
 14 by or on behalf of himself, or entered by the person instituting such proceedings in manner hereby provided, demur or plead to such proceedings by filing a statement of the grounds of such demurrer or plea at the Registrar's Office, and serving a copy thereof on the person instituting such proceedings, or his solicitor or attorney.

tion of the Court, but if not the jurisdiction not to be questioned.

And be it further Enacted, That the Vice Warden for the time being shall have power and authority from time to time and as often as circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the forms and manner of proceeding in the Court of the Vice Warden, and the practice and pleadings in all matters to be brought therein, the appointing Commissioners to examine witnesses, the taking of examinations de bene esse, and allowing the same as evidence, the process of the said Court and the mode of executing the same, the fees reasonable to be demanded by
 15 attornies, solicitors and others and by the officers of the said Court for business by them transacted in the said Court, and such other rules, orders and regulations as shall from time to time seem necessary and proper for expediting the business of the said Court with most convenience and at most reasonable expense to the parties concerned therein, and that the Vice Warden for the time being shall have power to revoke, alter and amend the rules, orders and regulations so from time to time made: Provided, That the rules, orders and regulations so at any time made by such Vice Warden for the time being are not inconsistent with this Act, or any of the provisions herein contained, and that such of them as shall apply to the Equity side of the said Court be approved of by the Lord Chancellor of England and that such of them as apply to the Common Law side of the said Court be approved of by a Judge of one of the Superior Courts of Common Law at Westminster: *Provided always, That such rules and orders when so approved, shall be transmitted to One of His Majesty's Principul Secretaries of State, and be laid before both Houses of Parliament within One month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One month from the commencement of the then next Session of Parliament*; Provided nevertheless, That all Rules, Regulations
 16 and Orders, and all forms of practice heretofore in use, and all fees heretofore authorized or accustomed to be taken in the Court of the Vice Warden for the time being or in any of the Courts of the Stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid rules, regulations and orders and forms of practice and

XIV.
 Power to Vice Warden to make Orders, Rules, &c. for Practice, Fees, &c.

Such Rules and Orders to be approved of.

Old practice to continue until Rules and Orders are made.

authorized fees, until the same be altered, amended or revoked by virtue of the powers hereby given.

XV.
Power to
Vice Warden
to regulate
how Evidence
to be taken.

And be it further Enacted, That the Vice Warden for the time being shall in all cases brought *in Equity* before him, whether by Bill, Petition otherwise, have power and authority to take the whole or any part of the evidence therein, either *vivâ voce* on oath or affirmation before himself or before the Registrar, or before persons duly authorized by him for administering oaths and taking affidavits, or on depositions taken before the Registrar or Commissioners appointed for that purpose, or otherwise as the Vice-Warden may from time to time direct by any general rule to be made by virtue of this Act: Provided 17
always, That the said Vice Warden for the time being may, on interlocutory matters, and in such other cases as to him shall seem desirable, receive evidence either in whole or in part on affidavits, and that either with or without further evidence *vivâ voce*, or on depositions: Provided nevertheless, That the practice heretofore adopted as to taking evidence in the Court of the Vice Warden and of the Steward's Courts shall nevertheless in the meanwhile continue in each and every case until the same shall be altered by virtue hereof or of the powers herein contained.

Old Practice
to remain
until other-
wise ordered.

XVI.
Power to Vice
Warden to
try an Issue of
Fact arising
on the Equity
side.

And be it further Enacted, That it shall and may be lawful for the Vice Warden to direct an issue of any fact arising before him in any suit instituted by Bill, Petition or otherwise on the Equity side of the said Court, to be tried by a Jury, and to issue process to compel the attendance of Jurors, and witnesses for that purpose, and that the Vice Warden shall have all necessary powers for trying the same and carrying the verdict thereof into execution; and that after any such issue shall be tried, a new Trial may be moved before the 18
Vice Warden for the time being, who shall have power to grant or refuse such new Trial according to the rules of the Common Law and practice of the Courts of Westminster in granting or refusing new Trials.

Motion for
new Trial.

XVII.
Power to Vice
Warden to
make Orders
though Court
adjourned or
not sitting.

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being, whether he be at the time in the County of Cornwall or otherwise, in all cases which may be brought before him, whether in the said County of Cornwall or otherwise, over which cases he has jurisdiction, to make such order by way of injunction or otherwise, as the nature of the case may require, notwithstanding he may have adjourned his Court to some future time or some other Place; *and that for the entry of Pleadings, Orders, Proclamations, and other matters touching the practice of the Court in process and execution, the said Court shall be considered*
and

and be at all times open ; provided that nothing be therein done on any Sunday, Christmas Day, Good Friday, or any day appointed for a Public Fast or Thanksgiving.

19 And be it further Enacted, That in case the Vice Warden shall in any proceedings instituted for that purpose make any decree or decretal order against any person for the payment of any money due or payable in respect of the working or management of or the providing goods for any Mine worked for any metal or metallic mineral, and the person against whom such order or decretal order shall be made, or any person in trust for him, shall have any share or interest in such Mine, and shall not pay the sum so decreed to be paid, it shall and may be lawful for the Vice Warden, under such regulations and in such way as to him shall seem fit, to cause a sale of such share or interest, or of so much thereof as shall be necessary to raise such sum and the costs attending such sale.

XVIII.
The Vice Warden ordering a Person having a Share in a Mine to pay Money in respect of it, may order a Sale of his Share.

20 And be it further Enacted, That the seal of the Stannaries heretofore used by and considered as the seal of the Vice Warden for the time being, shall be and be deemed and taken to be the seal of the Court of the Vice Warden, and that every process issuing from either the Equity or Common Law side of the said Court shall issue under such seal ; and that all orders, proceedings, documents and copies by the laws of the Stannaries as now existing, or by the act or by any rule or order of either side of the said Court, or of the Vice Warden as Judge of the said Court, as shall be required to be sealed, shall be sealed therewith.

XIX.
The Vice Warden's Seal to be the Seal of his Court.

And be it further Enacted, That all Barristers at Law and all Attornies and Solicitors of any of the superior Courts of Law or Equity at Westminster may appear and plead in any proceedings in the said Court of the Vice Warden ; and in case any person, not being an Attorney or Solicitor of such superior Courts, shall practise in the said Court of the Vice Warden as Attorney or Solicitor, he shall be deemed guilty of a contempt of the said Court, and be liable to all the penalties incident thereto, on complaint thereof made to the said Court ; and that all the laws and statutes now in force concerning Attornies or Solicitors shall, so far as the same are applicable, extend to Attornies or Solicitors practising in the said Court of the said Vice Warden.

XX.
Barristers and Solicitors may practise in Vice Warden's Court.

If others than Solicitors or Attornies practise as Solicitors or Attornies, a contempt of Court.

21 And be it further Enacted, That the Court of the Vice Warden shall have jurisdiction throughout the county of Cornwall, and be held at Truro, in the said county, and shall be a Court of Record, and shall have within the Limits of its jurisdiction all the powers, rights, privileges and incidents of a Court of Record, as fully and

XXI.
Court to have jurisdiction throughout the county of Cornwall, to be a Court of Record and held at Truro, and at least quarterly.

amply to all intents and purposes as the same are used or exercised or enjoyed by any of His Majesty's Courts of Law at Westminster; and that the Vice Warden for the time being shall have, use, exercise and enjoy all the powers, rights, privileges and exemptions of a Court of Record; and that the sitting of the said Court shall be held as often as shall be found necessary, and at least ⁽¹⁾ *Once in every Three calendar Months*, on such days as the Vice Warden shall from time to time appoint.

XXII.
Appointment
of Registrar.

And be it further Enacted, That it shall and may be lawful for the Duke of Cornwall for the time being, or for His Majesty, His heirs and successors, King or Queen Regnant of England for the time being, in case there shall be no Duke of Cornwall, or the Duke of Cornwall for the time being shall be under age, by Letters Patent under the Privy Seal of the Duchy of Cornwall or under the Great Seal of England, as the case may be, from time to time to appoint a fit and proper Person, being a Barrister at Law or a Solicitor or Attorney of one of the Superior Courts at Westminster, to be and act as the Registrar of the said Court of the Vice Warden, and to attend upon and assist the said Vice Warden in his said Court, whether sitting as a Court of Law or Equity, and to enter and draw up all orders, decrees, sentences and judgments of all kinds made and pronounced by him, and to take such accounts and to execute such references as the said Vice Warden shall direct, and that the person so appointed as Registrar shall hold his office during his good behaviour: Provided always, That it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty, His heirs and successors, King or Queen Regnant of England for the time being, if there be no Duke of Cornwall, or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein sufficient grounds, and signed by the Vice Warden for the time being, and by Five or more of the Council or of the Commissioners or of the principal Officers of the Duchy, but not otherwise, to remove the person for the time being holding the said office of Registrar.

Removal of
Registrar.

XXIII.
Present Lord
Warden to
have the ap-
pointment of
Registrar.

Provided always, and be it Enacted, That, notwithstanding any thing herein contained, the appointment to the office of such Registrar shall, during the time the present Lord Warden of the Stanaries holds such situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person appointed, and his removal, as hereinbefore contained.

And

(1) Four times in every year,

24

And be it further Enacted, That it shall and may be lawful for the Vice Warden for the time being to appoint by writing under the seal of his Court a fit and proper person to be and act as his Secretary, and also in like manner to appoint one other fit and proper person to be and act as Prothonotary or Assistant Registrar in the said Court, and also in like manner to appoint one other fit and proper Person (who shall enter into such security as the Vice Warden for the time being shall think fit) as Collector for the said Court.

XXIV.
Appointment
of Secretary
to the Vice
Warden and
Prothonotary
and Collector

25

AND whereas it is expedient that the Vice Warden for the time being, and the Registrar, and the other before-mentioned Officers of the Court, should be paid by fixed salaries, and that all fees received by such Registrar and the other Officers aforesaid for business done in the Court should be accounted for in manner hereinafter mentioned : AND whereas His Majesty has been graciously pleased to direct that One Moiety or Half Part of the Salaries of the Vice Warden, and of the before-mentioned Officers of his Court should be paid out of and be a charge upon the Revenues of the Duchy, subject nevertheless to be in part indemnified by contribution of part of such fees so to be accounted for as aforesaid : AND whereas it is expedient that for the purpose of raising money sufficient, with the remaining portion of such Court Fees, to pay the other Moiety or Half Part of the aforesaid Salaries of the said Vice Warden and the aforesaid Officers of his Court, a small assessment should be made on all Metals and Metallic Minerals (except Tin Ore) over all Matters connected with which the jurisdiction of such Court is hereby extended as aforesaid, and which shall be from time to time brought to sale in or withdrawn from any Mine in the said county of Cornwall ; BE it therefore Enacted, That there shall be paid and payable, in the manner hereinafter mentioned, the yearly Sums following as and for the Salaries to the Vice Warden and the before-mentioned Officers of his said Court for the time being ; (videlicet) to the Vice Warden the sum of One thousand five hundred Pounds, to the Registrar the sum of Five hundred Pounds, to the Person who shall be so appointed the Secretary to the Vice Warden the sum of One hundred Pounds, to the Prothonotary or Assistant Registrar the sum of Two hundred Pounds, and to the Collector the sum of Thirty Pounds ; which said several sums shall be paid from time to time half-yearly, in manner hereby provided, free and clear from all taxes and deductions whatsoever, on the Twenty-fifth day of March and on the Twenty-ninth day of September in each year, by equal portions, the first of such respective portions to be paid on the Twenty-fifth day of March next ; and that if any Person at any time holding any of the said Offices shall die, resign or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to have such proportionate part of

XXV.
The Salary
of the Vice
Warden
and other
Officers.

26

Apportion-
ment of Salary
on death, &c.

his salary as shall have accrued during the time that such Person shall have held his Office since the last payment ; and that the successor of any such Person so dying, resigning. or being removed as aforesaid, shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation or removal. 27

XXVI.
The Revenues
of the Duchy
charged with
half the
Salaries.

And be it further Enacted, That a Moiety or half part of the aforesaid salaries to the Vice Warden for the time being and to the aforesaid Officers of his said Court, shall be a charge on the revenues of the Duchy of Cornwall, and that the same shall be paid by the Receiver General for the time being of the said Duchy, under debentures for that purpose from the Auditor for the time being of the said Duchy, in which the said Auditor is hereby authorized to issue ; and that the said Receiver General shall on the Twenty-fifth of March and the Twenty-ninth of September in each year, under the debentures so issued, pay, free from all deductions, the sums following ; (videlicet,) to the Vice Warden for the time being the sum of Three hundred and Seventy-five Pounds, to the Registrar the sum of One hundred and Twenty-five Pounds, to the person so appointed Secretary to the Vice Warden the sum of Twenty-five Pounds, to the Prothonotary or Assistant Registrar the Sum of Fifty Pounds, and to the Collector the Sum of Seven Pounds Ten Shillings. 28

XXVII.
The Registrar
and before-
mentioned
Officers of the
Court to ac-
count for all
Fees half-
yearly.
Accounts to
be audited
and Copy sent
to the Auditor
of the Duchy,
to whom One-
third to be
paid in aid of
the half of
the Salaries
charged on
the Duchy
Revenues.

And be it further Enacted, That the person so as aforesaid appointed Secretary to the Vice Warden, and the said Prothonotary or Deputy Registrar, and the said Collector, shall once in every half-year account for and pay over to the Registrar for the time being of such Court all fees received by them by virtue of their respective appointments during the previous half-year ; and that the Registrar for the time being shall forthwith make out a full and true account of all fees received by him during such preceding half-year, and of all fees received by the aforesaid Officers of the said Court, and accounted for and paid to him as aforesaid for the same period ; and that such Registrar shall have such account audited by the said Vice Warden for the time being, in which account and audit there may and shall be charged and allowed such small sums of money as to the Vice Warden shall seem reasonable for the keeping order in, and the lighting, airing and cleansing the place in which such Court shall be held, and shall transmit a copy of such account so audited to the Auditor for the time being of the said Duchy, and shall pay or cause to be paid to the said Receiver or his Deputy One-third part of the total amount of fees so appearing to have come to the hands of such Registrar, for which sum so paid the Receiver shall on passing his accounts give credit to the Duchy in part discharge of the Moiety of the 29

the salaries so as aforesaid charged on the revenues of the said Duchy.

30 And be it further Enacted, That there shall be paid and payable the sum of One Farthing in the Pound sterling on the value of all metals and metallic minerals (except Tin and Tin Ore) which shall be from time to time brought to sale in or withdrawn from any Mine within the said county of Cornwall; and that the Head Manager of every Mine in the said county of Cornwall shall, within Ten Days after each quarterly account of the Mine over which he is Head Manager shall have been or ought to have been made up, transmit to the Registrar for the time being of the Vice Warden's Courts a full, true and particular account and return of all metals and metallic minerals (except Tin and Tin Ore) which shall have been brought to sale in or shall have been withdrawn from the Mine of which he is such Head Manager during the preceding quarter, and shall in such return state the value in money
31 of the respective quantities of the metals and metallic minerals specified therein at the time the same were respectively brought to sale or withdrawn, as the case may be; and that the Head Manager of every such Mine shall, on application from the Collector of the Vice Warden's Court, pay or cause to be paid to such Collector the sum of One Farthing in the Pound sterling on the aggregate value of all metals and metallic minerals (except Tin and Tin Ore) which shall have been brought to sale or withdrawn from such Mine during the preceding quarter; and that every such payment by such Head Manager shall be considered as costs, and shall on passing his account with respect to the Mine of which he is such Head Manager be allowed to him accordingly.

XXVIII.
Assessment of One Farthing in the Pound sterling on all Metals, &c. (except Tin) brought to sale or withdrawn.

The Head Manager to make a Return quarterly of the quantity and value,

and to pay Dues,

which to be allowed on passing his accounts.

32 And be it further Enacted, That the Registrar for the time being shall, out of the Monies which shall from time to time be in his hands by means of such assessments as aforesaid, and by means of the remaining of the Court Fees as aforesaid, pay to the said Vice Warden and to himself and the other officers aforesaid of the said Court, the sums following, being other Moiety of the said salaries, in manner following; (that is to say) shall pay on the Twenty-fifth day of March and on the Twenty-ninth day of September in each year, free from all deductions, to the said Vice Warden the sum of Three hundred and seventy-five Pounds, to himself the Registrar the sum of One hundred and twenty-five Pounds, to the person filling the situation of Secretary to the Vice Warden the sum of Twenty-five Pounds, to the Prothonotary the sum of Fifty Pounds, and to the Collector the sum of Seven Pounds Ten Shillings.

XXIX.
The Registrar out of the Assessment and the remaining fees to pay the other Moiety of the Salaries.

XXX.

The Registrar to have his Accounts of Receipts from the Assessment, and the Fees and his payments thereout audited by the Vice Warden half-yearly.

And be it further Enacted, That the said Registrar for the time being shall at the end of every half-year lay before the Vice Warden for the time being, a full, true and particular account of the balance remaining in his hands at the commencement of such preceding half-year, and of all monies received by him during such last half-year in respect of such assessment as aforesaid, and when, and from whom, and from what Mine received; and also shall in such account give credit for the remaining portion of the said Court Fees so in his hands after such payment to the Auditor of the Duchy as aforesaid; and shall also in like manner lay before the Vice Warden a full, true and particular account of all salaries and other expenses paid by such Registrar during the same period; and that a balance shall be thereby struck, showing the balance remaining in the hands of such Registrar at the end of the then last half-year; and that thereupon the Vice-Warden for the time being shall and is hereby required to audit the said account, and also the said account for Court Fees hereinbefore mentioned, and if the same shall be found correct to allow the same respectively, by putting his signature thereto; and that such accounts when so allowed shall be filed amongst the records of the said Court, and be open for the inspection of all persons in the usual way: Provided always, That if it shall at any time appear to the Vice Warden for the time being, on auditing such account of the Registrar, that there remains a general balance in his hands sufficient to meet all payments hereby authorized to be made thereout for the next half-year, then and in such case the Vice Warden shall have power and is hereby required to give notice thereof by advertisement in the county papers, or in such way as he shall think fit; and that thereupon no assessment shall be made or become payable in respect of the said One Farthing in the Pound sterling on the value of all metals and metallic minerals as aforesaid during such succeeding half-year: Provided nevertheless, That although no such assessment shall in such case be made during such period, the said Manager of every Mine is required to and shall make such return as aforesaid to the said Registrar of all metals and metallic minerals (except Tin and Tin Ore) brought to sale or withdrawn from the Mine over which he is such Head Manager, precisely as if such assessments were or would be payable in respect of the Ore specified in such return.

If at the end of any half-year's account a balance appears sufficient to meet the next half-year's expenditure, no assessment to be made until the expiration of such year.

Nevertheless the Head Manager to make the returns.

XXXI.

Penalty on Head Manager omitting to make any return, or making a false return.

And be it further Enacted, That if the Head Manager of any Mine shall omit to make such full, true and particular return as hereby required of the quantities of metals and metallic minerals (except Tin and Tin Ore) brought to sale or withdrawn as aforesaid in the Mine of which he is such Head Manager, or of the value thereof, as is hereby required, or shall, on demand made, omit to pay or cause to be paid such assessment as aforesaid, or shall wilfully make any false

or

36 or incorrect return, then and in every such case such Head Manager shall be subject for every such offence to a penalty not exceeding Fifty Pounds. ⁽¹⁾

XXXII.
Jurors.

And be it Enacted, That the Vice Warden for the time being may and shall in the present and every succeeding year order the Clerk of the Peace of the county of Cornwall to make out a duplicate of the Jurors' Book at the time in use, or about to be brought into use, or of such part of the said book as such Vice Warden may think fit to specify in such order; and the Clerk of the Peace, upon the receipt of such order, shall with all convenient speed make out such duplicate, and deliver the same to the Registrar of the Court of such Vice Warden; and that every such duplicate shall be the Book of
37 Jurors qualified and liable to serve as Jurymen in all cases before the Vice Warden for the time being, and that every such duplicate shall be kept by the Registrar, and shall be by him used as the Jurors' Book for the time being.

XXXIII.
Summoning
of Juries.

And be it Enacted, That the Registrar of the said Court shall cause to be summoned, One week before the First day of each sitting of such Vice Warden, Forty-eight persons named in the Jurors' Book by him kept as aforesaid, to attend at the time and place appointed for holding such sitting; and every such summons shall be, according to the Form given in the said Schedule hereto annexed, and shall be served either personally on each such person or by leaving it at his dwelling-house; and that in summoning such persons, regard shall always be had as far as may be to the convenience of the individuals so summoned; and no person shall be summoned oftener than
Once in a year.

XXXIV.
Ballot and
Challenge of
Jurors.

38 And be it Enacted, That the Registrar of the said Court shall make a List of the Jurors so summoned, together with the places of abode and additions, and shall cause their names to be written severally on slips of paper, and put into a box, and the names of the Jurors for the trial of causes shall be drawn out of the box by the Registrar; and each party may, until no more than Twelve remain, object to any person whose name is drawn out, without assigning any cause; and if any objection is made to the Twelve so remaining, it must be stated to and decided on by the Vice Warden for the time being; and if any such objection be allowed, the names of the Jurors rejected without
cause

⁽¹⁾ the same to be recovered by action of debt in the Court of the Vice Warden by the Registrar thereof, who shall receive the same, and give credit for the amount thereof in his next half-yearly accounts.

Jury to consist of Twelve.

Jury de circumstantibus.

cause assigned shall be returned to the box, and drawn again, until a sufficient number be found to make a Jury of Twelve; and such Jury of Twelve shall be the Jury sworn for the trial : Provided always, That if there shall not be Twelve persons attending, or against whom no objection shall have been allowed, it shall be lawful for the said Vice Warden to order the requisite number of persons from among the by-standers to be summoned by the Registrar, and sit on the Jury, subject to any objections which may be made for causes assigned, except for want of qualification or want of summons : Provided also, That the said Vice Warden may, if he sees fit, direct the Registrar to divide the list of Forty-eight Jurors into Two Lists, and to require the persons in the one List to attend and serve for so many days at the beginning of the sittings as the said Vice Warden shall order, and those in the other List to attend and serve for the residue of the sittings, according as the said Vice Warden shall think fittest for the convenience of the said persons ; and then and in that case the Registrar shall divide the said List of Forty-eight Jurors into Two Lists, and cause the persons named in each of such Lists to be summoned to attend on different days accordingly.

39

XXXV.
Penalty on Jurors for non-attendance.

And be it Enacted, That if any person having been duly summoned to attend as a Juror in the Court of the Vice Warden, shall not attend in pursuance of such summons, or being thrice called in Court shall not answer to his name, or if any such person being present in Court, or any such by-stander in Court, after having been called shall not duly appear, or after his appearance shall wilfully withdraw himself from the presence of the said Court, it shall be lawful for the said Vice Warden to impose such fine upon every such person or by-stander so making default (unless some reasonable excuse shall be given to the satisfaction of the said Vice Warden) as to the said Vice Warden shall seem meet ; and if such fine shall not be paid at the time ordered by the said Vice Warden, the same shall and may be levied by Writ of Fieri facias to be issued out of the Common Law side of the said Court of the Vice Warden.

40

XXXVI.
Appointment of Crier and Usher.

And be it further Enacted, That the Vice Warden for the time being shall and may appoint a fit and proper person to be Crier and Usher of his said Court, who shall hold his office during the pleasure of the Vice Warden for the time being, and may be removed in a summary manner, and may and shall receive such fees for acting as Crier and Usher of the said Court, as the said Vice Warden shall from time to time by virtue of the provisions herein contained authorize.

XXXVII.
Vice Warden and Registrar not to practise.

And be it further Enacted, That the Vice Warden for the time being shall not during his continuance in such office practise as a Barrister, and that the Registrar for the time being of the said Court, shall

41

shall not during his continuance in such office practise as a Barrister or Solicitor or Attorney in such Court, or in any other Court of Law or Equity in the United Kingdom of England and Ireland.

42 And be it further Enacted, That the Vice Warden for the time being shall not demand or take, upon any pretence, any fee, gratuity, or reward whatever; and that such Registrar and other aforesaid Officers of the said Court appointed under this Act shall not demand or take, upon any pretence whatever, any fee, gratuity or reward other than and except such as are hereby authorized, or as shall be from time to time settled and allowed by the Vice Warden for the time being by virtue hereof or of the provisions herein contained; and that if any such person shall offend in that behalf, he shall be removed from the office he shall then hold, and be disabled from again holding the same or any other office under this Act.

XXXVIII.
Vice Warden,
Registrar and
other Officers
to take no
fees, &c.
except as
hereby pro-
vided, &c.

Penalty.

Be it further Enacted, That a Table of all Fees for the time being authorized by the Vice Warden to be taken by any Solicitor or Attorney practising in his said Court, or by any Officer of his said Court, for business done therein, shall be hung up in some conspicuous Place in such Court.

XXXIX.
A List of Fees
to be hung up.

43 AND whereas the gaol belonging to the Courts heretofore the Courts of the Vice Warden and of the Stannaries is situate at Lostwithiel in the said County of Cornwall: AND whereas it would tend more to the public convenience that the Court of the Vice Warden should use as its gaol or prison for all purposes the prison belonging to the county of Cornwall, and situate at Bodmin, in lieu or place of the said gaol at Lostwithiel; BE it therefore Enacted, That every person hereafter arrested or taken prisoner or detained by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of or from or by either side of the said Court of the Vice Warden of the Stannaries, or committed for contempt of the said Court, shall be taken to the county prison at Bodmin in the said county of Cornwall, or to other the prison for the time being of the said county, in the same manner, and subject to the same provisions and regulations in every respect as if such person were arrested and conveyed to the prison by virtue of any Writ, Process, Order, Decree or Proceeding issuing out of any of the Superior Courts of Law or Equity at Wesminster, or committed for contempt by any of the said last-mentioned Courts; and the Gaoler or Keeper for the time being of such county prison as aforesaid is hereby authorized and required to receive into such county prison every person so arrested and conveyed to prison by virtue of any Writ, Process, Order, Decree or Proceeding issuing out of or from or by either side of the said Court of the Vice Warden, or so committed for contempt of the said Court as aforesaid, and to maintain, sup-

XL.
The County
Prison at
Bodmin to be
the Prison of
the Vice
Warden's
Court.

port, and provide for every such person in the same manner as if he had been arrested and brought to the said county prison by virtue of any writ, process, order, decree or proceeding issued out of any of the Superior Courts of Law or Equity at Westminster, or were committed for contempt of any of the said last-mentioned Courts; and that all and singular the charges and expenses of maintaining, supporting and providing for every person so arrested or committed to the said county prison as aforesaid shall be paid and defrayed out of such portion of County Rate of the said county of Cornwall as for the time being shall be applicable to the support of the debtors confined in the said county prison. 45

XLI.

The Powers heretofore vested in the Vice Warden or Steward or Court of the Stannaries to be exercised by the Vice Warden.

And be it Enacted, That all jurisdictions, powers and authorities heretofore lawfully exercised by the Vice Warden or Steward or any Judge of any of the Stannaries, shall be hereafter exercised by the Vice Warden for the time being; and that all penalties heretofore authorized to be recovered, and all oaths heretofore required or authorized to be taken, and all acts, matters and things heretofore required or authorized to be had or done in any of the Courts of the Stannaries, or before the Vice Warden or the Steward of any of the Stannaries, shall be and are hereby required and authorized to be recovered, taken, had and done before the Vice Warden or in the Court of the Vice Warden, as the case may be; and that all proclamations, returns, certificates, exhibits, matters and things heretofore required to be made, transmitted or given to or deposited with any of the Courts of the Stannaries, or the Vice Warden or Steward of any of the Stannaries, shall be and are hereby required to be made, transmitted and given to and deposited with the Court of the Vice Warden; and all bonds and recognizances heretofore required to be entered into before the Steward or any of the Courts of the Stannaries shall be entered into before the Registrar of the said Court. 46

XLII.

Removal of Causes in certain cases to the Court of King's Bench.

And be it further Enacted, That it shall be lawful for the Court of King's Bench at Westminster, on the application of any party to any action or suit on the Common Law side of the said Court of the Vice Warden, on special and sufficient cause shown by affidavit to the satisfaction of such Court of King's Bench, that an impartial or sufficient trial cannot be had in such Court of the Vice Warden, to remove, by writ of Certiorari, all proceedings which may have been had in such action or suit, and to deal therewith, and to make such orders respecting the same and the future trial of and proceedings in such action or suit as to the said Court of King's Bench shall seem meet. 47

XLIII.

All existing laws, customs, &c. not inconsistent

And be it further Enacted, That all Acts, statutes, laws, liberties, privileges, customs, rights, usages and freedoms at the time of passing 48

passing this Act in force in any of the Stannaries of the said county of Cornwall shall, notwithstanding any thing herein contained, continue and be and have the same force and effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the laws of this realm, or inconsistent with the provisions herein contained, or are annulled, repealed or altered hereby, or by means of any of the powers and authorities hereby given.

with this Act
or the law of
the realm
preserved.

49 And be it further Enacted, That wherever this Act, in describing or referring to any person or matter or thing, uses the words importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and to females as well as males, and bodies corporate as well as individuals, and several matters or things respectively, as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction, and that wherever the word "Plaintiff" or "Defendant" is used, it shall mean the person instituting the proceedings, or the person against whom proceedings are instituted respectively, in whatever way such proceedings are commenced; and wherever the word "Mine" is used, it shall mean any Mine, work or adventure wherein or connected with which any Metals or metallic minerals are worked; and that wherever the words "Head Manager of any Mine" are used, it shall mean the Captain, Purser or other Person who for the time being shall have the principal superintendence over such Mine; and that the powers hereby given to the Lord Chancellor of England, shall and may be used by the Lords Commissioners for the custody of, or the Lord Keeper of the Great Seal for the time being:
50 Provided always, That nothing herein contained shall apply to or affect or extend or be considered as extending to the county of Devon, or the Stannaries within the said county, except as to the service in the said county of Devon of any Writ of Subpœna issuing out of such Vice Warden's Court as hereinbefore provided.

XLIV.
Interpretation
of this Act.

And be it further Enacted, That this Act shall commence and take effect on the Twenty-ninth day of September One thousand eight hundred and Thirty-six.

XLV.
Commence-
ment of the
Act.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session of Parliament.

XLVI.
May be
altered this
Session.

SCHEDULE

To which the foregoing ACT refers.

FORM of SUMMONS to JURORS.

You are hereby required to attend and serve as a Juror at the
Sitting to be holden before Vice Warden of the
Stannaries, at his Court, on the day of
next.

Registrar of
Day of 183

To A. B.

Stannaries Courts.

A

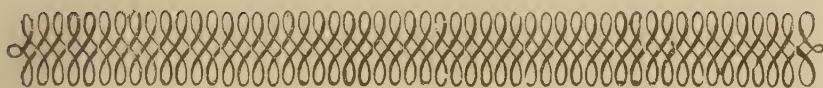
B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT to make Provision for the better and
more expeditious Administration of Justice
in the Stannaries of Cornwall, and for the
enlarging the Jurisdiction and improving the
Practice and Proceedings in the Courts of
the said Stannaries.

*Ordered, by The House of Commons, to be Printed,
17 August 1836.*



A

B I L L

To repeal such Portions of all Acts as impose prohibitory Tolls on Steam Carriages, and to substitute other Tolls on an equitable Footing with Horse Carriages.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS of late years the possibility of substituting Preamble.
Elementary for Animal Power, as a means of Draught on
Common Roads, has been practically demonstrated; but, under an
erroneous impression that the general introduction of the inventions
5 aforesaid would operate prejudicially to the public interest, various
legislative enactments have imposed Tolls on Carriages so propelled,
which, in a vast number of instances, have in effect prohibited the
general use of the said inventions, and is inconsistent with the wel-
fare of the Public :

10 And whereas in a great number of other cases, by the Acts of
Parliament under which a Toll is levied for the maintenance of Turn-
pike Roads and Bridges, no Toll can be legally demanded in respect
of the Carriages aforesaid, whereby the Proprietors thereof are
enabled to avoid a fair contribution to the expense of maintaining
15 the said Roads and Bridges, which is also inconsistent with the
general welfare :

And whereas the imposition of Tolls for the use of such Turnpike
Roads and Bridges has hitherto been regulated most generally in
reference to the power and number of the Animals employed in
draught, as a measure of the injury caused thereby ; and it is found

that the average weight of a Horse employed in draught, together with the proportionate weight of the empty carriage drawn by him, is about Fifteen hundred Pounds, and the full load which can be moved on an average by such Horse is about a Ton ; and that Tolls have been imposed on the Horse in draught, without reference to the load which he may happen to draw : 5

And whereas it is also considered that a Carriage propelled by other than Animal Power can propel no greater weight than One Ton in proportion to every Half Ton of Machinery, and Five hundred Pounds of carriage on which such Machinery is placed ; it is therefore expedient to consider that, for the purposes of this Act, every Fifteen hundred Pounds in the weight of such Machinery and Carriage shall represent One Horse, and that, subject to the exceptions hereinafter contained, a Toll equal to the present Toll on One Horse in draught shall be imposed in respect of every Fifteen hundred Pounds in the weight of every such Carriage propelled by other than Animal Power ; 10 15

1.
Tolls imposed
by existing
Acts to cease.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT throughout the United Kingdom of Great Britain and Ireland, from and after the next following the *passing of this Act*, every Toll imposed by any Act of Parliament in force upon any Carriage propelled by other than Animal Power shall cease during the continuance of this Act. 20 25

2.
Tolls set forth
in the
Schedule to
the Act to be
taken in lieu
of those
abolished.

And be it further Enacted, That from and after the day aforesaid, the Tolls mentioned and set forth in the Schedule to this Act annexed, and marked with the letter (A.), and no other Tolls whatsoever, shall and may be demanded and taken on any Carriage propelled by other than Animal Power along any road or over any bridge in the United Kingdom of Great Britain and Ireland: Provided always, That nothing shall authorize any such Toll to be levied in respect of any Carriage so propelled as aforesaid, unless and during such time only, and at such place or places only as Tolls upon Carriages of any description drawn by Animal Power along such road or over such bridge shall by law be receivable. 30 35

3.
Carriages
propelled by
steam not to
be used for
the convey-
ance of pas-
sengers until
the boilers
have been
tested.

And be it further Enacted, That it shall not be lawful for any Proprietor of a Carriage propelled by other than Animal Power, to use the same for hire for the carriage of Passengers, or for drawing any Carriage whatever, or for the conveyance of any thing whatever, unless and until the Boiler of such Carriage (if the same is to be 40

59

be propelled by Steam) shall have been tested under a pressure of Steam amounting to double the pressure at which it is proposed such Carriage shall be worked ; nor unless and until such test, and also the actual weight of such Carriage, shall have been proved on

5 oath before any *Two* or more Justices of the Peace for every county within which such Carriage shall be used, which oath such Justices are hereby empowered to administer ; nor unless and until such Justices as aforesaid shall deliver to such Proprietor (which they are hereby required to do) a Certificate, according to the form set

10 forth in the Schedule to this Act marked (B.); nor unless and until such Proprietor shall have caused every such Certificate to be registered in the Form set forth in the Schedule to this Act marked (C.) with the Clerk of the Peace of every county in which such Carriage shall be used ; nor unless and until a Plate or Inscription shall be and

15 continue to be affixed or inscribed on such Carriage in legible characters in the Form specified in the Schedule to this Act marked (D.) ; and in case any Proprietor of any Carriage propelled by other than Animal Power shall not in every respect observe and fulfil the several regulations hereinbefore contained, every such Proprietor

20 shall, for every offence, forfeit and pay any sum not exceeding Pounds.

And be it further Enacted, That the Fees which are contained in the Schedule to this Act marked (E.), and no more, may be demanded and taken for the several matters and things in the said Schedule

25 expressed.

4.
No Fees to be taken, except those contained in the Schedule.

Provided always, and be it further Enacted, That the Proprietor of every Carriage propelled by other than Animal Power, which shall not be used for hire, shall cause the proof of his Boiler and the weight of his Carriage to be certified and registered, in the manner

30 hereinbefore mentioned, by any *Two* Justices of the Peace for the county within which such Proprietor may reside ; but it shall not be necessary that such Proprietor shall cause any Plate or Inscription to be placed on the said Carriage, or to cause any other registry thereof to be made than is last hereinbefore directed.

5.
Proof of Boilers to be registered.

And be it further Enacted, That every Proprietor of a Carriage propelled by other than Animal Power, shall furnish the Conductor of such Carriage with a duplicate of the Certificate which is hereby required, and such Conductor shall at all times produce the same, on demand, on pain of forfeiting any sum not exceeding

35 for every default.

6.
Conductor of Steam Carriage to be furnished with duplicate of Certificate of Registry.

And be it further Enacted, That no Toll whatever shall be demanded, upon or in respect of any Carriage propelled by any other

238.

7.
Steam Carriages not liable to Toll in cases where

Carriages
drawn by
Animal Power
would be
exempt.

than Animal Power, of any Person in any case where such Person or Carriage, if drawn by Animal Power, would have been exempted from Toll by any Act of Parliament now in force.

8.

Extending
Powers of
Recovery of
Tolls, &c. re-
lating to
Carriages
drawn by
Animal Power
to Steam
Carriages.

And be it further Enacted, That all powers and provisions for the levying and enforcing of any Toll on Carriages drawn by Animal Power, or of any penalties on Toll Collectors for misbehaviour, or on Drivers of Carriages or others by any Act or Acts of Parliament now in force relating to Turnpike Roads or Bridges in the United Kingdom of Great Britain and Ireland, shall extend and be deemed to extend to all cases of Carriages propelled by other than Animal Power, and the Conductors thereof, as fully and effectually as if such powers, provisions and penalties had been expressly re-enacted in this Act. 5 10

9.

Construction
of Terms.

And be it further Enacted, That in the construction and for the purposes of this Act, the words "Carriage propelled by any other than Animal Power," shall mean and include every Carriage of every description and without reference to the number of wheels on which the same may be mounted), to which Carriage shall be attached any portion of the machinery generating the propelling power, or communicating the same to the fulcrum which immediately causes progressive motion; and the word "Person" shall mean and include The King's Majesty and any Body corporate, aggregate or sole, as well as an individual; and the word "Proprietor" shall, in the case of any Joint Stock Company or incorporated Body who may by law sue and be sued by and in the name of any particular person, mean and include such particular person, and in case of any Company not incorporated, then the said word "Proprietor" shall mean and include the Directors or managing Committee of such Company; and any word importing the masculine gender only shall mean and include a female as well as a male; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse, unless there shall be something in the subject or context of such several matters respectively repugnant to such construction respectively. 15 20 25 30 35

10.

Commence-
ment of Act.

And be it further Enacted, That this Act shall commence from *Twelve* of the clock at noon of the day of next, and shall continue in force from that day, during Years, and to the End of the then next Session of Parliament.

11.

Act may be
altered.

And be it further Enacted, That this Act may be altered, amended or repealed by any Act to be passed in the present Session of Parliament. 40

SCHEDULES

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A.)

TOLLS.

FOR every Carriage propelled by other than Animal Power, the weight of which shall, according to the provisions of this Act, be certified not to exceed Fifteen hundred Pounds, the same Toll as would be payable in respect of One Horse drawing any Carriage on springs:

If the weight of such propelled Carriage shall exceed Fifteen hundred Pounds, and shall not exceed a Ton and a Half, the same Toll as would be payable in respect of Two Horses drawing a Stage Coach :

If the weight of such propelled Carriage shall exceed a Ton and a Half, and shall not exceed Two Tons and a Quarter, the same Toll as would be payable in respect of Three Horses drawing a Stage Coach :

If the weight of such propelled Carriage shall exceed Two Tons and a Quarter, and shall not exceed Three Tons, the same Toll as would be payable in respect of Four Horses drawing a Stage Coach :

If the weight of such propelled Carriage shall exceed Three Tons, then an additional Toll shall be paid for every additional Half or fraction of Half a Ton, equal in amount to the Toll hereby imposed on a Carriage the weight of which shall not exceed Three-quarters of a Ton :

And if the weight of such propelled Carriage shall exceed Three Tons, and the tires of the wheels of such propelled Carriage shall be less than Three Inches and a Half in width, or shall have a greater degree of convexity than Half an Inch, then the Tolls to be taken on such propelled Carriage shall be *double* the aforesaid Tolls respectively.

SCHEDULE (D.)

FORM of PLATE or INSCRIPTION to be affixed or inscribed on
every CARRIAGE used for Hire.

THREE TONS.
Surrey, No. 16.
Middlesex, No. 10.

SCHEDULE (E.)

TABLE of FEES.

To Magistrate's Clerk, for filling up	}
Certificates and Oaths - - -	}
To Clerk of the Peace for Registry -	-
To Clerk of the Peace for each Search -	-
To Clerk of the Peace for Copies or	}
Extracts, each - - - -	}

Steam Carriages.

A

B I L L

To repeal such Portions of all Acts as impose
prohibitory Tolls on Steam Carriages, and
to substitute other Tolls on an equitable
Footing with Horse Carriages.

(Prepared and brought in by

Mr. Cayley and Sir William Molesworth.)

Ordered, by The House of Commons, to be Printed,
6 May 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To repeal such Portions of all Acts as impose prohibitory Tolls on Steam Carriages, and to substitute other Tolls on an equitable Footing with Horse Carriages.

[Note.—*The Clauses marked (A.) to (D.) were added by the Committee.*]

WHEREAS of late years the possibility of substituting Elementary for Animal Power, as a means of Draught on Common Roads, has been practically demonstrated; but, under an erroneous impression that the general introduction of the inventions for the purposes aforesaid would operate prejudicially to the public interest, various legislative enactments have imposed Tolls on Carriages so propelled, which, in a vast number of instances, have in effect prohibited the general use of the said inventions, and are inconsistent with the welfare of the Public :

Preamble.

5

10

15

And whereas in a great number of other cases, by the Acts of Parliament under which a Toll is levied for the maintenance of Turnpike Roads and Bridges, no Toll can be legally demanded in respect of the Carriages aforesaid, whereby the Proprietors thereof are enabled to avoid a fair contribution to the expense of maintaining the said Roads and Bridges, which is also inconsistent with the general welfare :

And whereas the imposition of Tolls for the use of such Turnpike Roads and Bridges has hitherto been regulated most generally in reference to the power and number of the Animals employed in draught, as a measure of the injury caused thereby, without refer-

encé to the load which such Animals may happen to draw, and it is found that the full load which can be moved on an average by a Horse in draught is about a Ton :

And whereas it is also considered that a Carriage propelled by other than Animal Power can propel no greater weight than One Ton in proportion to the same weight of Machinery and carriage on which such Machinery is placed ; it is therefore expedient to consider that, for the purposes of this Act, every Ton in the weight of such Machinery and Carriage shall represent One Horse, and that, subject to the exceptions hereinafter contained, a Toll equal to the present Toll on One Horse in draught shall be imposed in respect of every Ton in the weight of every such Carriage propelled by other than Animal Power ;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT throughout the United Kingdom of *Great Britain* and *Ireland*, from and after the First day of September next following the passing of this Act, every Toll imposed by Act of Parliament upon any Carriage propelled by other than Animal Power shall cease.

1.
Tolls imposed
by existing
Acts to cease.

2.
Tolls set forth
in the
Schedule to
the Act to be
taken in lieu
of those
abolished.

And be it further Enacted, That from and after the day aforesaid, the Tolls mentioned and set forth in the Schedule to this Act annexed, and marked with the letter (A.), and no other Tolls whatsoever, shall and may be demanded and taken in respect of any Carriage propelled by other than Animal Power along any road or over any bridge in the United Kingdom of *Great Britain* and *Ireland* : Provided always, That nothing shall authorize any such Toll to be levied in respect of any Carriage so propelled as aforesaid, unless and during such time only, and at such place or places only as Tolls upon Carriages of any description drawn by Animal Power along such road or over such bridge shall by law be receivable.

3.
CLAUSE (A.)
Every Stage
propelled by
other than
Animal Power
subject to Toll
each time of
passing.

Provided always, and be it Enacted, That every Stage Carriage, or Carriage working for hire, propelled by other than Animal Power, shall be subject to Toll on each time of passing.

4.
CLAUSE (B.)
Private Car-
riages and
Posters to pay
Toll on pass-
ing only.

Provided also, and be it further Enacted, That in every case in which any Carriage propelled by other than Animal Power shall not be used for hire, or shall be used for drawing any Post-chaise or private Carriage for hire, the Tolls hereby made payable, shall and may

may be demanded and taken for passing only, and unless a fresh hiring has taken place, such Carriage propelled and having been used as aforesaid, shall be permitted to return toll free at any time during the same day, to be computed as usual from twelve of the clock at night.

And be it further Enacted, That it shall not be lawful to use any vessel or vessels for raising or generating steam to propel any Carriage along a public street or road, any part of the transverse section of which shall exceed Ten Inches in diameter in any direction if circular or cylindrical; and if such vessel or vessels shall be made of any other figure than cylindrical, then no part of the transverse section or sides shall exceed Eight Inches in any direction, under a penalty for every breach of such regulation of not exceeding One Hundred Pounds, or less than Twenty Pounds.

5.
CLAUSE, (C.)
Prescribing
dimensions of
Vessels for ge-
nerating
Steam.

And be it further Enacted, That it shall not be lawful for any Proprietor of a Carriage propelled by other than Animal Power, to use the same for hire for the carriage of Passengers, or for drawing any Carriage whatever, or for the conveyance of any thing whatever, unless and until the Boiler of such Carriage (if the same is to be propelled by Steam) shall have been tested under a pressure of Steam amounting to One Hundred Pounds to the square Inch at least; and if such Carriage shall be intended under any circumstances to work at a pressure above Fifty Pounds in the square inch on the Pistons, then unless and until the Boiler shall have been tested to double the pressure at which it is proposed such Carriage shall be worked; nor unless and until such test, and also the actual weight of such Carriage, shall have been proved on oath before any Two or more Justices of the Peace for the county within which the proprietor of such Carriage shall reside, which oath such Justices are hereby empowered to administer; nor unless and until such Justices as aforesaid shall deliver to such Proprietor (which they are hereby required to do) a Certificate, according to the form set forth in the Schedule to this Act marked (B.); nor unless and until such Proprietor shall have caused every such Certificate to be registered in the Form set forth in the Schedule to this Act marked (C.) with the Clerk of the Peace of the county in which he resides; nor unless and until a Plate or Inscription shall be and continue to be affixed or inscribed on such Carriage in legible characters in the Form specified in the Schedule to this Act marked (D.); and in case the Proprietor of any Carriage propelled by other than Animal Power shall not in every respect observe and fulfil the several regulations hereinbefore contained, every such Proprietor shall, for every offence, forfeit and pay any sum not exceeding Fifty Pounds or less than Five Pounds.

6.
Carriages
propelled by
steam not to
be used for
the convey-
ance of pas-
sengers until
the boilers
have been
tested.

7.
No Fees to be
taken, except
those con-
tained in the
Schedule.

And be it further Enacted, That the Fees which are contained in the Schedule to this Act marked (E.), and no more, may be demanded and taken for the several matters and things in the said Schedule expressed.

8.
Proof of
Boilers to be
registered.

Provided always, and be it further Enacted, That the Proprietor of every Private Carriage propelled by other than Animal Power, which shall not be used for hire, shall under the penalty last specified cause the proof of his Boiler and the weight of his Carriage to be certified and registered, in the manner hereinbefore mentioned, by any Two Justices of the Peace for the county within which such Proprietor may reside ; but it shall not be necessary that such Proprietor shall cause any Plate or Inscription to be placed on the said Carriage, or to cause any other registry thereof to be made than is last hereinbefore directed.

9.
Conductor of
Steam Car-
riage to be
furnished
with dupli-
cate of Cer-
tificate of
Registry.

And be it further Enacted, That every Proprietor of a Carriage propelled by other than Animal Power, shall furnish the Conductor of such Carriage with a duplicate of the Certificate which is hereby required, and such Conductor shall at all times produce the same, on demand, on pain of forfeiting any sum not exceeding Five Pounds for every default.

10.
Steam Car-
riages not
liable to Toll
in cases where
Carriages
drawn by
Animal Power
would be
exempt.

And be it further Enacted, That no Toll whatever shall be demanded, upon or in respect of any Carriage propelled by any other than Animal Power, of any Person in any case where such Person or Carriage, if drawn by Animal Power, would have been exempted from Toll by any Act of Parliament now in force.

11.
Extending
Powers of
Recovery of
Tolls, &c. re-
lating to
Carriages
drawn by
Animal Power
to Steam
Carriages.

And be it further Enacted, That all powers and provisions for the levying and enforcing of any Toll on Carriages drawn by Animal Power, or of any penalties on Toll Collectors for misbehaviour, or on Drivers of Carriages or others by any Act or Acts of Parliament now in force relating to Turnpike Roads or Bridges in the United Kingdom of *Great Britain and Ireland*, shall extend and be deemed to extend to all cases of Carriages propelled by other than Animal Power, and the Conductors thereof, as fully and effectually as if such powers, provisions and penalties had been expressly re-enacted in this Act.

12.
CLAUSE (D.)
General
Clause as to
Penalties.

And be it further Enacted, That all Penalties imposed by this Act shall and may be recovered, levied and applied in such and the same manner as any Penalty for any offence on any Turnpike Road, may by any law or statute relating to Turnpike Roads be recovered, levied and applied.

And

13.
Construction
of Terms.

And be it further Enacted, That in the construction and for the purposes of this Act, the words "Carriage propelled by any other than Animal Power," shall mean and include the Carriage of whatever description (without reference to the number of wheels) on
5 which the engines or boiler shall be placed, and shall not include a separate carriage drawn by it; and the word "Person" shall mean and include The King's Majesty and any Body corporate, aggregate or sole, as well as an individual; and the word "Proprietor" shall, in the case of any Joint Stock Company or incorporated Body who may
10 by law sue and be sued by and in the name of any particular person, mean and include such particular person, and in case of any Company not incorporated, then the said word "Proprietor" shall mean and include the Directors or managing Committee of such Company; and any word importing the masculine gender only shall mean and
15 include a female as well as a male; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse, unless there shall be something in the subject or context of such several matters respectively
20 repugnant to such construction respectively.

14.
Commence-
ment of Act.

And be it further Enacted, That this Act shall commence from Twelve of the clock at noon of the First day of September next, and shall continue in force from that day.

15.
Act may be
altered.

And be it further Enacted, That this Act may be altered, amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A.)

TOLLS.

FOR every Carriage propelled by other than Animal Power, the weight of which shall, according to the provisions of this Act, be certified not to exceed One Ton, the same Toll as would be payable in respect of One Horse drawing any Carriage on springs:

If the weight of such propelled Carriage shall exceed One Ton, and shall not exceed Two Tons,[†] the same Toll as would be payable in respect of Two Horses drawing a Stage Coach :

If the weight of such propelled Carriage shall exceed Two Tons, and shall not exceed Three Tons, the same Toll as would be payable in respect of Three Horses drawing a Stage Coach :

If the weight of such propelled Carriage shall exceed Three Tons, then an additional Toll shall be paid for every additional Half or fraction of Half a Ton, equal in amount to the Toll hereby imposed on a Carriage the weight of which shall not exceed One Ton :

And if the weight of such propelled Carriage shall exceed Three Tons, and the tires of the wheels of such propelled Carriage shall be less than Three Inches and a Half in width, or shall have a greater degree of convexity than Half an Inch, then the Tolls to be taken on such propelled Carriage shall be double the aforesaid Tolls respectively.

SCHEDULE (B.)

FORM OF CERTIFICATE.

Name and Residence of Proprietor - - - - } *A. B. of, &c.*
 Pressure under which the Boiler has been tested - - - - { One hundred Pounds to the square inch, &c., [*as the case may be.*]
 Weight of Carriage - - - - Three Tons.
 Tolls payable - - - - { Same as on Three Horses in Draught.

THESE are to Certify, That the several matters above mentioned have been proved on oath before us, by *C. D. of, &c.* Witness our hands the day and year set opposite our respective names.

E. F. } Magistrates for
G. H. }
 day of 183

No. 16. Entered

J. K. Clerk of the Peace,
 day of 183

SCHEDULE (C.)

FORM of REGISTER to be kept by Clerks of the Peace.

to Wit. }

Number.	Date.	Proprietor.	Residence.	Test of Boiler.	Weight of Carriage.

SCHEDULE (D.)

FORM of PLATE or INSCRIPTION to be affixed or inscribed on
every CARRIAGE used for Hire.

THREE TONS. Surrey, No. 16.

SCHEDULE (E.)

TABLE of FEES.

	s.	d.
To Magistrate's Clerk, for filling up and providing Certificates and Oaths	2	6
To Clerk of the Peace for Registry -	2	6
To Clerk of the Peace for each Search -	1	-
To Clerk of the Peace for Copies or Extracts, each - - - -	1	-

Steam Carriages.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To repeal such Portions of all Acts as impose
prohibitory Tolls on Steam Carriages, and
to substitute other Tolls on an equitable
Footing with Horse Carriages.

(Prepared and brought in by

Mr. Cayley and Sir William Molesworth.)

Ordered, by The House of Commons, to be Printed,
8 June 1836.



A

B I L L

To regulate the Navigation of Steam Vessels
upon certain Parts of the River Thames.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** great inconveniences are experienced in the Port of London, and numerous accidents have occurred, and losses and expenses have been sustained in consequence of the Velocity with which Steam Vessels are navigated upon the River Thames : Preamble.

5 And whereas it is expedient that certain Regulations should be established for the better security of Passengers and Goods embarked and loaded on board of Steam Vessels, and other Vessels and Boats ;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel shall, when navigating the River Thames between the Limehouse entrance of the West India Docks and London Bridge, regulate the Steam Engine or Engines on board such Vessel, so that the speed thereof shall not be greater than *Five* Miles or Knots in one hour ; and the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel, who shall fail to limit the speed thereof in manner above directed, when navigating within the said limits, shall for the first offence forfeit and pay any sum not exceeding *Twenty* Pounds ; for the second offence any sum not less than *Twenty* Pounds, or more than *Fifty* Pounds ; and for

1.
For limiting the Velocity of Steam Vessels when navigating on the River Thames, between the West India Docks and London Bridge.

every subsequent offence any sum not less than *One hundred Pounds*, unless it shall appear to the Magistrate before whom the complaint shall be heard, that such additional speed was rendered absolutely necessary in order to avoid danger or risk of committing damage.

2.
Velocity of
Steam Vessels
to be checked
when near
any deep-
loaded Barge,
&c.

And be it further Enacted, That the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel upon the River Thames, shall, when such Steam Vessel shall be near any deep loaded barge, or other craft, passage boat, skiff or wherry, check the velocity of such Steam Vessel, on pain of forfeiting for every case in which injury or damage shall ensue from his neglect or omission to do so, any sum not exceeding *Ten Pounds*, in addition to such sum or sums as he may be liable to pay to the person or persons sustaining such injury or damage. 5 10

3.
Power to the
Lord Mayor
to appoint
Inspectors to
regulate the
speed of Steam
Vessels.

And be it further Enacted, That the Lord Mayor of the city of London for the time being, as Conservator of the River Thames, shall and he is hereby required from time to time to nominate and appoint such persons as he shall think proper to be Inspectors of Steam Vessels navigating between the Limehouse entrance of the West India Docks and London Bridge, and to suspend or dismiss any such Inspectors respectively at his pleasure; and on the death, resignation, suspension or dismissal of any such Inspector, to nominate and appoint any person or persons to be Inspector or Inspectors, in the place of the Inspector or Inspectors who shall die, resign or be suspended or dismissed, and to increase or diminish the number of such Inspectors from time to time, as the said Lord Mayor for the time being shall think proper; and the said Lord Mayor for the time being shall and may make such rules and regulations respecting the rotation in which the said Inspectors shall be employed, and the times and places at which they respectively shall attend, as he shall think proper. 15 20 25

4.
An Inspector
to be on board
of every
Steam Vessel,
and to regu-
late the speed.

And be it further Enacted, That one of the Inspectors to be appointed by the Lord Mayor of the city of London for the time being as aforesaid, shall be taken and shall remain on board every Steam Vessel navigating the River Thames between or within the limits aforesaid, and shall have power and authority to direct and regulate such Steam Vessel, so that the speed thereof shall not be greater than *Five Miles or Knots* in one hour; and in case any Steam Vessel shall navigate the said River between or within the said limits without an Inspector on board of the same Vessel, or in case the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel, shall refuse to limit the speed thereof when navigating within the said limits, according to the direction of such Inspector, then and in any of the said cases such Owner, Master, Captain or other person having the command, direction or management of 30 35 40

of any such Steam Vessel shall, for every such offence, forfeit and pay a sum not exceeding

5 Provided also, and be it further Enacted, That any order or direction to be given by any such Inspector to the Master or other person having the charge or command of any Steam Vessel within the said limits, shall not extend or be construed to extend to prevent the said Master or other person or persons from being subject or liable to any penalty on account of the speed of the said Vessel not having been limited in the manner required by this Act.

87
5.
Orders given by the Inspectors shall not affect the responsibility of the Person having the charge of any Steam Vessel.

10 Provided always, and be it further Enacted, That the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel navigating between or within the limits aforesaid, shall pay to the Inspector who shall come and remain on board such Vessel whilst navigating between the said limits, for
15 every Voyage made by such Vessel from London Bridge to Limehouse, or from Limehouse to London Bridge, the sum of
and in case such Owner, Master, Captain or other person shall, at the end of such Voyage, refuse or neglect to pay the same, then and in every such case it shall be lawful for such Inspector to take and dis-
20 train such Vessel, and all her tackle, apparel and furniture thereunto belonging, or any part thereof, and the same to detain, until the said sum shall be satisfied and paid ; and in case of any neglect or default in payment thereof for the space of *Five* Days after any distress or distresses so made or taken, then it shall be lawful for such Inspector
25 to cause the same to be appraised by *Two* or more sworn Appraisers or other sufficient persons not interested therein, and afterwards to sell the said distress or distresses, and therewith to satisfy himself, as well for and in respect of the said sum of so neglected or refused to be paid, and for which such distress or distresses shall
30 have been made or taken as aforesaid, as also for and in respect of his and their reasonable charges in taking, keeping, appraising and selling the same, rendering the overplus (if any there be) to the Owner, Master, Captain or other person having the command of such Steam Vessel, upon demand.

6.
Inspector to be entitled to the sum of for every voyage, which may be recovered by distress.

35 And be it further Enacted, That the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel navigating the River Thames from Yantlet Creek, in the county of Kent, upwards, shall, when passing any other vessel or craft not at anchor or moored, keep the said Vessel on the side of
40 the River ; and when navigating the said River from the town of New Windsor, in the county of Berks, downwards, shall, when passing any other vessel or craft not at anchor or moored, keep the said Vessel on the side of the said River, and the Owner, Master, Captain or
141. other

7.
Regulations for Steam Vessels passing other Vessels and Craft.

other person having the command, direction or management of any Steam Vessel, who shall not keep his said Vessel on the side of the said River in manner hereinbefore directed, shall forfeit and pay for every such offence any sum not exceeding *Ten Pounds*.

8.
Number of
Passengers.

And be it further Enacted, That no Steam Vessel upon the River Thames shall be allowed to carry more than *Three* Passengers for every registered ton of her burthen, Children under the age of Twelve Months not to be included, and Two Children, each being under Fourteen Years of age but above Seven Years of age, or Three Children, each being under Seven Years of age, to be accounted as one Passenger; and if any Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel, shall allow more than the aforesaid number of Passengers to be carried on board any such Steam Vessel, he shall forfeit the sum of *Ten Pounds* for every such offence.

9.
Lights to be
shown from
Steam Boats
during the
Night-time.

And be it further Enacted, That the Owner, Master, Captain or other person having the command, direction or management of any Steam Vessel, shall at all times, when navigating in the night time within the limits of this Act, hang up or show *One* strong Light on the foremost, and at least *Twelve* Feet above the deck of the said Vessel, and also *Two* other strong Lights, one at each cat-head, so as to form a triangle, with the Light on the foremast, and keep the same so lighted, weather permitting, during the night-time, or as long as any darkness shall continue; and if any such Owner, Master, Captain or other person shall omit to show or keep such Lights, weather permitting, in manner and for the time aforesaid, he shall forfeit and pay for every such offence or omission any sum not exceeding *Ten Pounds*.

10.
Limits of
this Act.

And be it further Enacted, That this Act shall extend and be construed to extend to all parts of the River Thames, from and opposite to and including the town of New Windsor, in the county of Berks, to and opposite to and including Yantlet Creek, in the county of Kent, and to all Docks, Canals, Creeks and Harbours of or out of the said River so far as the tide flows therein.

11.
Power vested
in Lord
Mayor, Recorder, Aldermen and Justices to summon and apprehend Offenders, examine Witnesses on Oath, and punish by Fine or Imprisonment.

And be it further Enacted, That in case any person or persons shall offend against this Act, it shall be lawful for the Lord Mayor, Recorder or any one Alderman of the city of London, in respect to any part of the said River within the jurisdiction of the Conservancy of the River Thames, between Staines Bridge, in the counties of Middlesex and Surrey, and Yantlet Creek, in the county of Kent, and the City Stone at Leigh, in the county of Essex, or for any Justice of the Peace for the respective counties and places next adjoining to the said River of Thames, at and between Yantlet Creek and Windsor, and every of them

them within his several and respective jurisdiction, and for any Justice of the Peace acting in and for the corporation, villages and parishes of Gravesend and Milton within his jurisdiction (which shall include for the purposes of this Act any part of the said River between Broadness Point, in the Northfleet Hope, in the said county of Kent and Yantlet Creek aforesaid), and he respectively is hereby required, upon complaint made of any such offence or misbehaviour committed within his said respective jurisdiction, within *Twenty-one Days* after the commission of any such offence or misbehaviour, to cause the Offender or Offenders to be summoned personally, or by leaving such summons at his or their last or usual respective place of abode to appear and answer the said complaint; and if any person, being duly summoned as aforesaid, shall refuse or neglect to appear and answer to any complaint or complaints made against him, her or them for any offence or offences committed by him, her or them against this Act, it shall be lawful for the said Lord Mayor, Recorder, Alderman or Justice respectively in his respective jurisdiction as aforesaid, to issue his Warrant for apprehending such person, upon oath being made of the service of such summons, and to cause the Party so offending or misbehaving to be brought before him, and the Party accused being before such Lord Mayor, Recorder, Alderman or Justice respectively, either by means of such summons, or of such warrant or warrants as aforesaid, he respectively is hereby authorized and required to examine upon oath the Complainant, or any Witness or Witnesses touching such offence or misbehaviour; and if the Party or Parties accused shall be convicted of any such offence or misbehaviour, either by his, her or their own confession, or by the oath of the Complainant, or of one or more credible Witness or Witnesses, it shall be lawful for the Lord Mayor, Recorder, Alderman or Justice respectively, to impose a fine upon such Offender or Offenders for the said offence, not exceeding the penalty or penalties inflicted or to be inflicted by this Act; and if the person or persons so convicted shall not forthwith pay the penalty or forfeiture so imposed upon him, her or them, it shall be lawful for the said Lord Mayor, Recorder, Alderman or Justice, and he is hereby required, by Warrant under his hand and seal, to cause the same to be levied, together with the costs attending the information, summons, warrant and conviction, by distress and sale of the goods and chattels of the Party offending, and the overplus (if any), after such penalty or forfeiture and the charges of such distress and sale are deducted, shall be returned upon demand unto the owner or owners of such goods and chattels; and in case such penalty or forfeiture shall not be forthwith paid upon conviction, then it shall be lawful for such Lord Mayor, Recorder, Alderman or Justice, to order the Offender or Offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Lord Mayor, Recorder, Alderman or Justice,

for his or their appearance on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than *Seven Days* from the time of taking any such security, and which security the said Lord Mayor, Recorder, Alderman or Justice is hereby empowered to take, by way of recognizance or otherwise; but 5
if, upon the return of such warrant, it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Lord Mayor, Recorder, Alderman or Justice, and he is hereby authorized andrequired, by Warrant or Warrants under his hand and seal, to cause such Offender or Offenders to be committed to the Common Gaol or 10
House of Correction of the city, county, liberty or place where the Offender shall be or reside, there to remain without bail or mainprize for any time not exceeding *Three* calendar Months, unless such penalties and forfeitures and costs, and all reasonable charges attending the same, shall be sooner paid and satisfied. 15

12.
Penalty for going beyond regulated speed, to be enforced only at the discretion of the Magistrate.

Provided always, and be it further Enacted, That it shall be in the discretion of such Justice respectively not to convict any person of the offence of not restraining or reducing the speed or velocity of any such Vessel as aforesaid, when it may appear that the speed could not be immediately regulated without danger or risk of committing damage, 20
or if the speed was increased for a short time to avoid some evident risk, and that there was no wilful neglect or omission to restrain or reduce the same.

13.
Justices may allow Five Passengers for every One hundred Tons over the limited number.

Provided always, and be it further Enacted, That if the number of Passengers taken or carried in any such Vessel above the number such 25
Vessel shall be allowed to carry as aforesaid shall not exceed *Five* Passengers for every One hundred Tons of her burthen, it shall be in the discretion of such Justice respectively not to convict any person of the offence of taking a greater number of Passengers in any such Vessel than she shall be allowed to carry. 30

14.
Distribution of Penalties.

And be it further Enacted, That all pecuniary Penalties which shall be recovered before the said Lord Mayor, Recorder, Alderman or Justice respectively, under the provisions of this Act, shall respectively be divided and distributed in manner following; (that is to say) one *Moiety* thereof to His Majesty, and the other *Moiety* 35
thereof, with full costs, to the person who shall inform and prosecute for the same.

15.
Form of Conviction.

And be it further Enacted, That every Lord Mayor, Recorder, Alderman or Justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the 40
following form of words, or in any other form of words to the same effect; (that is to say)

to wit. } " BE it Remembered, That on the day
of in the year of our Lord

5 A. B. is convicted before me [as the case may be] Lord Mayor,
Recorder or Alderman of the city of London [or, one of His
Majesty's Justices of the Peace for the county of
or incorporated villages and parishes of Gravesend and
Milton], for [here set forth the offence], contrary to an Act
passed in the year of the reign of King WILLIAM the
Fourth, intituled, [here set forth the title of this Act]; and I do
10 adjudge him to pay and forfeit for the same the sum of
being the Penalty by him forfeited, and
also the sum of for loss of time and
costs [if awarded, as the case may be], or to be committed to
for the space of Given
15 under my hand and seal the day and year aforesaid."

And be it further Enacted, That in every case in which any oath is
by this Act directed to be made or taken, or any matter or thing is
directed to be proved by oath, the said Lord Mayor, Recorder or any
Alderman at any Court of Mayor and Aldermen, or the said Lord
20 Mayor, Recorder, Alderman or Justice respectively, before whom such
oath is hereby directed to be made or taken, or such matter or thing to
be proved, shall have full power to administer the oath, or, instead
thereof, to receive a solemn affirmation, as the case may require.

16.
Mayor, &c.
may adminis-
ter Oaths.

And be it further Enacted, That if any person who shall be sum-
25 moned as a Witness to give evidence before any Lord Mayor, Recorder,
Alderman or Justice respecting any matter of fact relating to any infor-
mation or complaint for any offence against this Act, either on the
part of the prosecutor or the person or persons accused shall, after a
reasonable sum for his or her costs shall have been paid or tendered to
30 him or her, refuse or neglect to appear at the place and time by such
summons appointed without a reasonable excuse for such neglect or
refusal, such person or persons shall forfeit for every such neglect or
refusal any sum not exceeding *Forty* Shillings.

17.
For compel-
ling the at-
tendance of
Witnesses.

And be it further Enacted, That when any distress shall be made by
35 virtue of this Act, the distress itself shall not be deemed unlawful;
nor shall the party or parties making the same be deemed a trespasser
or trespassers on account of any defect or want of form in the sum-
mons or conviction, warrant of distress, or any proceeding relating
thereto; nor shall the party or parties be deemed a trespasser or tres-
passers, ab initio, on account of any irregularity which shall be after-
wards committed in making the distress.

18.
Distress not
unlawful for
want of form.

19.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

Provided also, and be it further Enacted, That if any person or persons shall think himself, herself or themselves aggrieved by the order or judgment of the said Lord Mayor, Recorder or any Alderman or Justice, on account of any offence committed or supposed to have been committed against this Act, such person or persons may appeal 5
to the Justices of the Peace at the next General or Quarter Sessions to be holden for the place where such person or persons shall have been convicted; or if such Session shall be holden within *Ten* Days after such conviction, then such person or persons may appeal either 10
to such next General or Quarter Sessions, or to the Session following such next General or Quarter Sessions, provided the person or per- 15
sons, at the time of such conviction, shall enter into a recognizance, with *One* sufficient surety, in the sum of *Twenty* Pounds, to prosecute such appeal with effect, and to abide by the order or orders which shall be made on such appeal; and the said Justices are hereby authorized 20
and required to take cognizance thereof, and to hear and determine such appeal; and shall and may, if they see cause, by order of such Sessions, mitigate at their discretion all or any part of the penalties or forfeitures laid upon or incurred by the party or parties appealing, or vacate or set aside the conviction or convictions, or otherwise may 25
ratify or confirm the same, with such costs as to them in their discretion shall seem reasonable, and levy, by their order or warrant, such penalties or forfeitures and costs awarded by distress and sale of the goods and chattels of the person or persons who shall refuse to pay the same; and for want of such distress, to commit such person or 30
persons to the common Gaol for the said county or place where the cause of appeal shall arise, for any time not exceeding *Three* calendar Months, or until payment of such penalties or forfeitures and costs.

20.

Proceedings
not to be
quashed for
want of form.

And be it further Enacted, That no proceedings to be had, touching the conviction of any Offender or Offenders against this Act, or any 30
matter or thing to be done or transacted in or relating to the execution of this Act, shall be vacated or quashed for want of form only, or be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster; any law or statute to the contrary notwithstanding. 35

21.

Plaintiff not
to recover
without
Notice, or
after tender
of Amends.

And be it further Enacted, That no Plaintiff or Plaintiffs shall recover in any action to be commenced against any person or persons, body or bodies politic, corporate or collegiate, for any thing done in pursuance of this Act, until notice in writing, signed by his, her or their Attorney, specifying the cause of action, shall have been given to the 40
Defendant or Defendants, or left at his or their usual or last place or places of abode or meeting, at least *Fourteen* Days before the same shall have been commenced; nor shall the Plaintiff or Plaintiffs recover in any such action, if tender of sufficient amends shall have been

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been made to him, her or them, or to his, her or their Attorney, by or on the behalf of the Defendant or Defendants, before such action brought; nor if such tender of amends shall be made after the said action brought, and before the trial thereof, together with costs of suit at the time of such last-mentioned tender, but on proof of such tender
 5 at any trial to be had in such action, the Plaintiff or Plaintiffs shall suffer judgment as in cases of nonsuit, with *Double* costs, to be recovered in the same manner as any Defendant or Defendants may recover costs in any other case by law; and in case no such tender of amends
 10 shall have been made, it shall be lawful for the Defendant or Defendants, by leave of the Court, at any time before issue joined, to pay into Court any sum or sums of money as he, she or they shall think fit, whereupon such proceedings, orders and judgments shall be made and given in and by such Court, as in other actions wherein
 15 Defendants are allowed to pay money into Court.

And be it further Enacted, That no action or suit shall be commenced or prosecuted against any person or persons, body or bodies politic, corporate or collegiate, for any thing done in pursuance of this Act, after *Three* calendar Months next after the cause of such action
 20 shall have arisen; and every such action or suit shall be brought in the county, city or place in which the cause of action shall have arisen, and not elsewhere; and the Defendant or Defendants in such action or suit may, at his, her or their option, either plead specially or plead the General Issue, and give this Act and the special matter in evi-
 25 dence at any trial or trials which shall be had thereon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or that such action or suit was brought without *Fourteen* Days' notice thereof having been given as aforesaid, or after sufficient amends tendered as aforesaid, or
 30 if any such action or suit shall not be commenced within the time lastly before limited, or shall be brought in any other county, city or place than where the cause of action shall have arisen, then and in any of such cases the Jury or Juries shall find a verdict for the Defendant or Defendants, and upon such verdict, or if the Plaintiff or Plaintiffs
 35 shall become nonsuit, or shall discontinue his, her or their action or actions, after the Defendant or Defendants shall have appeared, or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs therein, then and in any of the cases aforesaid the Defendant or Defendants shall have Costs, and shall have such remedy for recover-
 40 ing the same as any Defendant or Defendants hath or may have for his or their costs in any other cases by law.

22.
Limitation
of Actions.

General Issue.

Costs.

And be it further Enacted, That this Act shall be deemed to be a
 Public Act; and shall be judicially taken notice of as such, by all
 Judges, Justices and others.

23.
Public Act.

Steam Vessels (Thames.)

A

B I L

To regulate the Navigation of Steam Vessels
upon certain Parts of the River Thames.

(Prepared and brought in by
Mr. Alderman Wood and Captain Pechell.)

*Ordered, by The House of Commons, to be Printed,
28 March 1836.*

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A

B I L L

For granting to His Majesty, for a Time to be limited, certain Duties on Sugar, imported into the United Kingdom, for the Service of the Year One thousand eight hundred and Thirty-six.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal Subjects, the Com-
mons of the United Kingdom of Great Britain and Ireland in
Parliament assembled, towards raising the necessary Supplies to defray
Your Majesty's Public Expenses, have freely and voluntarily resolved
to give and grant unto Your Majesty the Duties hereinafter mentioned:
AND therefore do most humbly beseech Your Majesty that it may be
enacted; ~~And be it Enacted~~, by The KING's most Excellent MA-
JESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT on and from and after the
Fifth day of July One thousand eight hundred and Thirty-six, and
until the there shall be raised, levied, collected and
paid unto His Majesty, His heirs and successors, the Duties of Customs
following; (that is to say)

Preamble.

1.
Duties.

15	Sugar; videlicet,	£. s. d.
	——— Brown, or Muscovado or Clayed Sugar, not being refined, the Hundred-weight - -	3 3 -
	——— - - - - the growth of any British Possession in America, and imported from thence, the Hundred-weight - - - -	1 4 -
20	——— - - - - the growth of any British Possession within the limits of the East India Com- pany's Charter, into which the importation of Foreign Sugar may be by this Act prohi- bited, and imported from thence, the Hun- dred-weight - - - -	1 4 -

Sugar ; videlicet,		£. s. d.		
————	Brown, or Muscovado or Clayed Sugar, the growth of any other British Possession within those limits, and imported from thence, the Hundred-weight - - - - -	1	12	5
————	Molasses, the Hundred-weight - - - - -	1	3	9
————	----- the produce of, and imported from any British Possession, the Hundred-weight	-	9	-
————	Refined, the Hundred-weight - - - - -	8	8	-
————	Candy, Brown, the Hundred-weight - - - - -	5	12	10
————	----- White, the Hundred-weight - - - - -	8	8	-

Which several Duties shall be raised, levied, collected and paid in like manner as if such Duties had been imposed by an Act passed in the third and fourth year of the reign of His present Majesty, intituled, “ An Act for granting Duties of Customs.” 15

2.
Bounties.

And be it further Enacted, That the Bounties granted by an Act passed in the third and fourth year of the reign of His present Majesty, intituled, “ An Act to grant certain Bounties and Allowances of Customs ” upon all Sugars therein mentioned, exported from the United Kingdom, shall be and the same are hereby continued so long as the Duties on the importation of Sugar imposed by this Act shall remain in force, or be further continued by any Act hereafter to be passed. 20

3.
Foreign Sugar not to be imported into certain British Possessions.

And be it further Enacted, That from and after the it shall not be lawful to import into any part of the Presidency of Fort William, in Bengal, or of any Dependency thereof, any foreign Sugar, nor any Sugar the growth of any British Possession into which foreign Sugar can be legally imported, save and except into such Districts, or Provinces of the said Presidency, or of the Dependencies thereof, as shall be appointed in that respect by any order or orders of the Governor General of India in Council. 25 30

4.
Sugar not to be imported at a lower Rate of Duty.

Provided always, and be it further Enacted, That no Sugar, the produce of any District or Province in respect of which any such order or orders shall be issued, shall be imported into any part of the United Kingdom at the lower rate of Duty proposed by this Act. 35

5.
Certificates of Origin.

And be it further Enacted, That before any Sugar shall be entered as being of the produce of any of the Provinces composing the Presidency of Fort William, in Bengal, or of any of the Dependencies thereof, at the lower rate of Duty fixed by this Act, the Master of the Ship importing the same shall deliver to the Collector or Comptroller of the Customs, at the Port of importation, a Certificate under the hand and seal of the Collector of Sea Customs of the Port where such 40 such

such Sugar was taken on board, within the limits of the Presidency of Fort William, in Bengal, or of any of the Dependencies thereof, testifying that there had been produced to him by the Shipper of such Sugar, a Certificate under the hand and seal of the Collector or Assistant Collector of the Land or Custom Revenue of the District within which such Sugar was produced, that such Sugar was of the produce of the District, and that the Importation into such District of Foreign Sugar, or Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, is prohibited, which Certificate so granted by the said Collector of Sea Customs, shall state the name of the Districts in which such Sugars were produced, their quantity and quality, the number and denomination of the packages containing the same, and the name of the ship in which they are laden, and of the Master thereof; and that such Master shall also make a Declaration before the Collector or Comptroller that such Certificate was received by him at the place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Provided always, and be it further Enacted, That it shall be lawful for the Governor-General of India in Council to appoint any Officer or Officers, other than the said Collector and Assistant Collector of Land Revenue, and the Collector of Customs to give such Certificates.

6.

Governor-General to appoint Officers to furnish Certificates.

And be it further Enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the receipt and issue of his Majesty's Exchequer at Westminster, of all the Money that shall be paid to the account of His Majesty's Exchequer at the Bank of England, from so much of the said Duties hereby granted on Sugar as shall arise and be payable in Great Britain; and it shall be lawful for the Commissioners of the Treasury of the United Kingdom of Great Britain and Ireland to issue and apply the same from time to time to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in Ireland, shall be paid into the Receipt of the Exchequer in Ireland, and shall be carried to the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

7.

Separate Accounts to be kept in the Office of the Comptroller General of the Exchequer, of the Duties arising in Great Britain.

Monies arising in Ireland to be paid into the Exchequer there.

And be it further Enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, at any time or times when they shall think fit so to do, to cause or direct any number of Exchequer Bills to be made out at the Receipt of the Exchequer at Westminster, for any sum or sums of Money, not exceeding in the whole, including any sum or sums of Money issued towards the

8.

The Treasury may direct Exchequer Bills to be made out.

Aids or Supplies in pursuance of this Act, the sum of *Three millions*, in the same or like manner, form and order, and according to the same or like rules and directions as are directed and prescribed in and by an Act passed in the forty-eighth year of the reign of His Majesty King GEORGE the Third, intituled, "An Act for regulating the issuing and paying off of Exchequer Bills." 5

9.
Powers of
48 Geo. 3,
c. 1, as to
Exchequer
Bills, extended
to this Act.

And be it further Enacted, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures and disabilities contained in the said recited Act passed in the forty-eighth year of the reign of his said late Majesty, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all intents and purposes as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this Act. 10

10.
Interest on
Exchequer
Bills.

And be it further Enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an interest not exceeding the rate of *Four Pounds* per centum per annum upon or in respect of the whole of the monies respectively contained therein. 15

11.
Bank of Eng-
land may ad-
vance Money
on the credit
of this Act.

And be it Declared and Enacted, That it shall be lawful for the Governor and Company of the Bank of England to advance or lend to His Majesty, by placing to the account of his Majesty's Exchequer at the Bank of England, upon the credit of the Exchequer Bills authorized by this Act, any sum or sums of Money not exceeding in the whole the sum of *Three millions*, any thing in an Act passed in the fifth and sixth years of the reign of King WILLIAM and Queen MARY, intituled, "An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale and other Liquors, and for securing certain Recompenses and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million Five hundred thousand Pounds towards carrying on the War against France," or in any subsequent Act, to the contrary thereof in anywise notwithstanding. 20 25 30

12.
Bills to be
delivered to
the Bank of
England, as
security for
the Advances.

And be it further Enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered to cause such Bills as shall be prepared by virtue of this Act to be delivered from time to time to the Governor and Company of the Bank of England, in such proportions as the public service may require, as security for the advance or advances which may be made to His Majesty by the said Governor and Company of the Bank of England under the authority of this Act. 35 40

13.
Exchequer
Bills charged
on the Duties
granted by
this Act.

Provided always, and be it further Enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest

Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized from time to time to direct to be issued to the Paymasters of Exchequer Bills, by way of impres
 5 and upon account such sums of money and at such periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act or any of them, and for and towards paying the
 10 Interest to become due on the said Bills or any of them.

And be it further Enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the *Fifth day of July One thousand eight hundred and*
 15 *Thirty-seven.*

14.
Money due on Exchequer Bills to be paid out of the next Aids.

And be it further Enacted, That the surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the interest that may become due thereon, shall as a surplus of
 20 any such Monies, respectively be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

15.
Surplus Monies to be carried to Consolidated Fund.

And be it Enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury, or any *Three* or more of them, for the time being, and they are hereby authorized and empowered to pay and
 25 allow or cause to be paid and allowed out of the Monies to arise of or from the said Duties hereby granted, or of or from the said Consolidated Fund, from time to time, the necessary charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other charges as shall be necessarily incident in or for the execution of this
 30 Act or any part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

16.
The Treasury to allow necessary Charges of making forth Exchequer Bills.

Provided always, and be it Enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from time to time be replaced by and out of the first Supplies to be thereafter
 35 granted by Parliament; any thing herein contained to the contrary notwithstanding.

17.
Money issued to be replaced out of the first Supplies.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

18.
Act may be altered this Session.

Sugar Duties.

A

B I L L

For granting to His Majesty, for a Time to be limited, certain Duties on Sugar, imported into the United Kingdom, for the Service of the Year One thousand eight hundred and Thirty-six.

(Prepared and brought in by
*Mr. Baring and Mr. Chancellor of the
Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
23 June 1836.*



A

B I L L

To enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to make and maintain a Road from the Church, in the Parish of Sunk Island, to the Town of Ottringham, in the East Riding of the County of York.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W H E R E A S The KING's most Excellent MAJESTY is seised in right of his Crown of an Estate called Sunk Island, in the East Riding of the County of York: And whereas it would be of great benefit, not only to the inhabitants and occupiers of lands, tenements and hereditaments in the Parish of Sunk Island, and to all persons residing in the neighbourhood, but to the Public at large, if powers were given to make a Road commencing at or near the Church in the Parish of Sunk Island, and from thence to pass through the said Parish of Sunk Island into and through the Parish of Ottringham to the Town of Ottringham, in the said East Riding of the County of York, and to terminate or unite in the said Town of Ottringham with the Turnpike Road from Kingston-upon-Hull through Hedon to Patrington, in the same Riding: And whereas the beneficial objects hereinbefore mentioned cannot be effected without the Aid and Authority of Parliament;

Preamble.

May it therefore please Your MAJESTY,

That it may be Enacted; ~~And be it Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT this Act shall be put in execution for and during the term hereinafter mentioned, for

1.

Authorizing formation of Road.

the purpose of making and maintaining a Road, to commence at or near the Church in the Parish of Sunk Island, in the East Riding of the County of York, and to pass from thence towards the North through the said Parish of Sunk Island into and through the Parish of Ottringham to the Town of Ottringham in the said East Riding of the said County of York, and to terminate or unite in the said Town of Ottringham with the Turnpike Road from Kingston-upon-Hull through Hedon to Patrington, in the same Riding. 5

2.
Trustees.

And be it further Enacted, That the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, and such other person or persons as shall be nominated and appointed in manner hereinafter mentioned, and their successors, being duly qualified, according to the provisions and directions of the several Acts for regulating Turnpike Roads in England, shall be and they are hereby appointed Trustees for carrying the several Acts for regulating Turnpike Roads in England and this Act into execution. 10 15

3.
Power to appoint additional Commissioners.

And be it further Enacted, That it shall be lawful for the Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, from time to time, by any writing under their hands, to elect and appoint any number of persons (not exceeding in the whole) to be Trustees for the purposes of this Act, in addition to the Trustees hereinbefore nominated and appointed; and such additional Trustees so elected, and being duly qualified according to the Acts for regulating Turnpike Roads in England, shall have the same powers and authorities for executing the several Acts for regulating Turnpike Roads in England and this Act as if they had been named herein. 20 25

4.
Meetings of Commissioners.

And be it further Enacted, That the Trustees for executing this Act shall hold their first meeting at in in the county of or at some other convenient place in aforesaid, on the day of next after the commencement of this Act, or so soon afterwards as conveniently may be, between the hours of and of the clock in the forenoon, and shall and may then, and from time to time afterwards, adjourn to and meet at such times and places as the said Trustees or the major part of them present at such respective meetings shall think proper and appoint; but no act shall be done at any meeting unless the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, or One of them, shall be present. 30 35 40

5.
Power to make Road.

And be it further Enacted, That it shall be lawful for the said Trustees to make the said Road hereinbefore mentioned of such width as they shall think proper, not exceeding *Thirty Feet*, together with such,

such footpaths, causeways, embankments, foundations, piers, abutments, bridges, archways, arches, culverts, ditches, drains, fences and other works on the lines of the said Road as they shall think expedient, and for the purposes aforesaid to take and use any lands, tenements or hereditaments, making or tendering satisfaction to the owners thereof and persons interested therein for the same or for the damage they may sustain by the execution of the powers of this Act; and it shall also be lawful for the said Trustees and for their Surveyors and workmen, from time to time, to enter upon any lands, tenements or hereditaments upon, in, over or through which such Road, causeways, embankments, foundations, piers, abutments, bridges, archways, arches, culverts, ditches, drains, fences and other works as aforesaid or any of them are intended to be made or pass, and also upon, in, over or through any adjoining lands, tenements and hereditaments, and to stake out the same in such manner as the said Trustees shall think expedient, without being deemed trespassers, and without being subject to any penalty or punishment for entering or continuing upon such lands, tenements or hereditaments for any of the purposes of this Act; and if any person shall pull up, remove or destroy any of such stakes or other marks used for the purposes aforesaid, such person shall forfeit and pay any sum not exceeding _____ for every such offence.

AND whereas a Map or Plan describing the said intended Road and the lands, tenements and hereditaments upon; in, over or through which the same is intended to be carried, together with a Book of Reference thereto, containing the names of the owners and occupiers of such lands, tenements and hereditaments, have been deposited in the office of the Clerk of the Peace for the East Riding of the county of York; BE it therefore Enacted, That the said Map or Plan and Book of Reference shall remain in the custody of the said Clerk of the Peace, to the end that all persons may at all reasonable times have liberty to inspect the same, and to take copies thereof and extracts therefrom, paying to the said Clerk the sum of for every such inspection, and at the rate of for every words of such copies or extracts; and the said Map or Plan and Book of Reference, or either of them, or any copy thereof respectively certified by the said Clerk of the Peace for the time being to be a true copy thereof, shall be good evidence in all courts of law and equity; and the said Trustees in making such Road shall not deviate more than *One hundred Yards* from the lines described in the said map or plan without the consent in writing of the party or parties upon, in, over or through whose lands, tenements or hereditaments any such deviations beyond the said distance of *One hundred Yards* shall be made.

6.
Map of Road
and Book of
Reference.

7.
Houses, &c.
not to be
taken unless
mentioned in
Schedule.

Provided always, and be it further Enacted, That the powers and authorities by this Act given for making the said Road shall not authorize the said Trustees to pull down, take or use any curtilage, orchard, garden, yard, park, paddock, lawn, shrubbery, plantations, planted walk or avenue to any house or any enclosed ground planted and set apart as a nursery for trees, or any part thereof respectively, without the consent in writing of the owners or proprietors thereof, or other persons interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

8.
Unintentional
errors remedied.

Provided also, and be it further Enacted, That it shall be lawful for the said Trustees to make the said Road and other Works aforesaid, upon, in, over or through any lands, tenements or hereditaments upon, in, over or through which such Road and other Works are delineated on the said Map or Plan, although such lands, tenements or hereditaments or any of them, or the situation thereof respectively, or the names of the owners or occupiers thereof respectively, may happen to be omitted, mis-stated or erroneously described in the said Book of Reference, provided it shall appear to any or more Justices of the Peace for the county, riding or place within which such lands, tenements or hereditaments shall be situate (in case of dispute about the same) and be certified by writing under their hands that such omission, mis-statement or erroneous description proceeded from mistake; and the Certificate of the said Justices shall be deposited with and remain in the custody of the Clerk of the Peace for the said East Riding for the time being, as the case may require.

9.
Limited time
for the purchase of property.

Provided also, and be it further Enacted, That if the said Trustees shall not within the space of Years next after the *passing of this Act* agree for or cause to be valued and purchased the lands, tenements and hereditaments which they are by this Act authorized to take, or so much thereof respectively as they shall deem necessary for the purposes of this Act, then and from thenceforth the powers by this Act or by any other Act or Acts granted in relation to the taking of lands, tenements or hereditaments for the purposes of Turnpike Roads, shall, so far as relates to the lands, tenements or hereditaments hereinbefore mentioned, cease and be utterly void, unless with the consent of the respective owners of such lands, tenements or hereditaments; any thing in this Act or in any such Act or Acts as aforesaid contained to the contrary thereof notwithstanding.

10.
The freehold and inheritance of Lands to remain and be vested in the persons of whom they are purchased.

And be it further Enacted, That in case any lands shall in pursuance of this Act or of the Acts for regulating Turnpike Roads in England, be purchased by the said Trustees for the purposes of this Act, the freehold and inheritance of and in the lands so purchased shall not

not (notwithstanding any provisions in the said Acts or any of them to the contrary) by means of any such purchase, or any conveyance made in pursuance thereof, be vested in the said Trustees; but that the freehold and inheritance of and in the lands so purchased shall, notwithstanding such purchase and conveyance, remain and be vested in the person or persons in whom the same were vested immediately prior to such purchase by the said Trustees; and the said Trustees shall, by means of such purchase and conveyance or either of them, be entitled to a perpetual right of way in, over or upon the lands purchased by them in pursuance of this Act and the said Acts or any of them.

Provided always, and be it further Enacted, That if at any time any land purchased by the said Trustees for the purposes of the Road mentioned in this Act, shall not be wanted for the same, then and in such case the right of way in, over or upon the lands vested in the said Trustees shall cease, determine and be extinguished, and the freehold and inheritance of the said land shall be and remain in the person or persons then entitled to the same, freed and discharged of and from such right of way.

11.
The right of way to cease when Lands not wanted.

Provided also, and be it further Enacted, That the said Trustees shall have such and the same power and authority of cutting and digging and otherwise using the lands and hereditaments taken by them for the purposes of this Act, and of building any tollhouse or any bridge, or any other erections thereon, as fully and effectually to all intents and purposes as the said Trustees would have had in case they had purchased the fee-simple of the said lands and hereditaments under and by virtue of the powers contained in any of the Acts now in force for regulating Turnpike Roads in England; any thing herein contained to the contrary in anywise notwithstanding.

12.
The Trustees to have the same powers of cutting the Lands taken by them as if they had purchased the fee-simple.

And be it further Enacted, That it shall be lawful for the said Trustees to erect or build upon the said Road or any part thereof, or upon the sides thereof or any part thereof, when and where and as they shall judge proper, any tollgates or tollbars, tollhouses and weighing-machines, with out-houses and conveniences thereto, and to take in and enclose suitable garden spots for such tollhouses not exceeding part of a statute acre, as they shall think necessary, and from time to time to alter or take down and rebuild or to discontinue and remove the same or any of them as they shall think proper.

13.
Tollhouses.

And be it further Enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say)

14.
TOLLS.

FOR every horse or other beast drawing any coach, stage-coach, chariot, chaise, curricie, car, gig, hearse, or any such carriage, the sum of Sixpence.

For every horse or other beast drawing any waggon, wain, cart, dray, van, caravan, or other such carriage, the fellies of the wheels whereof shall be of the breadth of *Six Inches*, the sum of *Four-pence*:

For every horse or other beast drawing any waggon, wain, cart, dray, van, caravan or other such carriage, the fellies of the wheels whereof shall be of the breadth of *Four Inches and an half*, and not of the breadth of *Six Inches*, the sum of *Fivepence*: 5

For every horse or other beast drawing any waggon, wain, cart, dray, van, caravan or any such carriage, the fellies of the wheels whereof shall be of less breadth than *Four Inches and a half*, the sum of *Sixpence*: 10

For every horse or beast, laden or unladen, and not drawing, *Two-pence*:

For every score of oxen or neat cattle, *Ten-pence*, and so in proportion for any less number: 15

For every score of calves, sheep, lambs or swine, *Five-pence*, and so in proportion for any less number:

And for every coach, waggon, vehicle or other carriage, of whatever description, propelled or drawn wholly or in part by steam, gas or any such like means, or by machinery or otherwise than by animal power, the sum of *Two Shillings and Sixpence*: 20

Such respective Tolls to be paid before any such horse, mule, ass, cattle or beast or any such carriage as aforesaid shall be entitled to pass through any turnpike or tollgate to be erected on the said Road. 25

15.
Fractions of
One Half-
penny to be
deemed One
Halfpenny.

And be it further Enacted, That in all cases where there shall be a fractional part of a Halfpenny in the amount of any of the Tolls hereby granted, the sum of shall be demanded and taken in lieu of such fractional part.

16.
Restriction
on Exemp-
tion.

Provided always, and be it further Enacted, That no exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any horse, beast or cattle drawing any waggon, wain, cart or other carriage laden with any materials for making or repairing any Highway, or for building, rebuilding or repairing any Bridge, or with dung, soil, compost or manure for improving lands, or lime for agricultural purposes, or with ploughs, harrows or implements of husbandry, or hay, straw, fodder for cattle, or corn in the straw, potatoes or other agricultural produce, such waggon, cart or other carriage having the nails of the tire of the wheels thereof projecting more than above the surface of such tire. 30 35 40

17.
To repass
Toll-free.

Provided also, and be it further Enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any horse, beast or cattle through any one of such Tollgates or Toll-bars, such horse, beast or cattle shall at any time during the same day,

day, to be computed from of the clock at night to of the clock in the next succeeding night, upon production of a ticket denoting the payment of such Toll on that day, be permitted to repass Toll-free, (except as hereinafter mentioned with respect to horses, 5 beasts or cattle drawing stage-coaches or other such like carriages,) through the same Tollgate or Tollbar, and also through such other Tollgates and Tollbars (if any) as the ticket for such payment shall free: Provided nevertheless, That no horse, beast or cattle for which Toll shall have been paid at any of the said Tollgates or Tollbars 10 drawing another or different waggon, wain, cart or other such carriage, or drawing for hire or reward a fresh or different lading, of a weight of pounds avoirdupois, or more, in the same waggon, wain, cart or other such carriage, shall be permitted to repass through the same Tollgate or Tollbar on the same day without again paying Toll, 15 if in so repassing such horse, beast or cattle shall go or travel upon the said Road for the distance of or more.

Provided always, and be it further Enacted, That the Tolls hereby made payable shall be paid for or in respect of all horses, beasts or cattle drawing any stage-coach, stage-waggon, van, caravan, cart or 20 other stage-carriage, carrying passengers or goods for hire or reward, for each time of passing and for each time of repassing along the said Road: Provided nevertheless, That no further or additional Tolls shall be payable in respect of any stage-coach, stage-waggon, van, caravan, cart or other stage-carriage on account only of the horses drawing the 25 same having been changed.

18.
Stage-coaches
to pay each
time.

Provided always, and be it further Enacted, That the Tolls hereby made payable shall be paid for or in respect of all horses, beasts or cattle let out for hire, and drawing any post-chaise or other carriage, for each time of passing along the said Road, whenever a new hiring 30 thereof shall take place.

19.
Post-chaises
to pay each
time.

Provided always, and be it further Enacted, That no more than *One* full Toll (except as herein provided to the contrary) shall be taken for or in respect of the same horse or horses, beast or beasts, or cattle or carriages in any one day for passing and repassing through all the 35 several tollgates or tollbars upon the said Road.

20.
Only one Toll
to be paid.

Provided always, and be it Enacted, That the Tolls hereby made payable for and in respect of any carriage propelled or moved by steam, gas, machinery or any other like means, shall be paid every time of the passing and repassing of such carriage along the said Road 40 or Roads.

21.
Steam-car-
riages to pay
every time of
passing.

And be it further Enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works 474- c and Money to

22.
Commission-
ers of Woods
may advance
Money to

defray the
expenses of
this Act, &c.

and Buildings for the time being, and they are hereby authorized and empowered, if they shall think proper so to do, with and out of any monies in their hand as such Commissioners as aforesaid, to advance any sum or sums of money not exceeding in the whole the sum of Pounds, towards the payment and discharge 5
of the costs, charges and expenses of obtaining and passing this Act, and of carrying the same into execution; which sum or sums of money shall, from the time of advancing the same, become and be a charge on the Tolls, Rates and Duties receivable or to be received under or by virtue of this Act, and shall be repaid to the said Commissioners 10
by the said Trustees, together with interest at the rate of Pounds per centum per annum, to be computed from the time or respective times of advancing thereof, on so much of the said sum or sums as shall from time to time remain due and unpaid.

23.
Trustees em-
powered to
borrow Mo-
ney of the
Exchequer
Loan Com-
missioners.

And be it further Enacted, That it shall be lawful for the Commis- 15
sioners for carrying into execution an Act passed in the first and second years of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to amend several Acts passed for autho-
rizing the Issue of Exchequer Bills, and the advance of Money for
carrying on Public Works and Fisheries and Employment of the Poor, 20
and to authorize a further Issue of Exchequer Bills for the purposes of the said Act," and of the said several Acts therein recited and referred to; and they are hereby authorized and required, on applica-
tion being made to them by the said Trustees, to advance to them,
or as they may direct or appoint, any sum or sums of money in 25
Exchequer Bills, not exceeding in the whole the sum of Pounds for the purposes of this Act, upon the terms and conditions hereinafter mentioned.

24.
Security to
be taken for
repayment
of Exchequer
Bills.

And be it further Enacted, That upon the said Commissioners for the issue of Exchequer Bills making such advance to the said Trustees 30
as aforesaid, the said Trustees shall execute an Assignment to the said Commissioners for the issue of Exchequer Bills, in such manner and form as the said last-mentioned Commissioners shall direct and appoint, of so much of the Tolls, Rates and Duties receivable or to be received under this Act, as shall be a sufficient security for the repayment of 35
the said Exchequer Bills, by an annual instalment of at least *Two* Pounds *Ten* Shillings per centum on the principal money advanced as aforesaid, with interest thereon at the rate of Pounds
per centum per annum from the date of the said Exchequer Bills, on such part of the said principal money as shall from time to time re- 40
main due and unpaid.

25.
Application
of Tolls.

And be it further Enacted, That all the monies which may be advanced by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, under the power
hereinbefore

hereinbefore contained, or which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the monies that shall be borrowed upon the credit thereof, and all other monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several uses, intents and purposes, in the order and manner following; (that is to say) in the first place, in the payment of all the costs, charges and expenses which shall have been incurred in applying for, preparing, obtaining and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the expenses of making the said Road, and of erecting turnpikes, tollgates, sidegates and tollhouses, with suitable out-buildings upon, across and by the side of the said Road; thirdly, in paying and discharging the interest which shall from time to time become due in respect of every sum and sums of money now or hereafter to be advanced by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, for the purposes of this Act, or which shall be borrowed or taken up at interest on security of the Tolls hereby granted; fourthly, in defraying the expenses of erecting and keeping in repair the tollgates, tollbars, weighing-engines, tollhouses and other buildings, and of widening, repairing, improving and preserving the Road by this Act directed to be made and kept in repair as aforesaid, and in building, erecting and in keeping in repair bridges, archways, arches and other erections, as the same respectively may be required, and in executing the other purposes of this Act; and lastly, in reducing, paying off and discharging the several principal sums of money which shall have been advanced and borrowed, or which may be hereafter advanced and borrowed and secured by virtue of this Act.

30 And be it further Enacted, That wherever in this Act any word shall be used importing the singular number or the masculine gender only, such word shall be construed to include several matters as well as one matter, several persons as well as one person, and females as well as males; and where the word "lands" shall be used, the same
35 shall be construed to include tenements and hereditaments, unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

26.
Rule for the
construction
of certain
expressions in
this Act.

And be it further Enacted, That this Act shall commence and take effect upon the _____ and shall thenceforth continue and be in force and be executed for and during the term of _____ years.

27.
Term of Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices and others.

28.
Public Act.

SCHEDULE referred to by the foregoing ACT.

OWNERS' NAMES.	OCCUPIERS' NAMES.	DESCRIPTION OF PROPERTY.
OTTRINGHAM PARISH.		
George Bebb - - -	Daniel Gibson - - -	Garden and garth.
Martha Bebb and - - -		
Margaret Bebb - - -		
William Escreet - - -	William Escreet - - -	Pig-cote and old building.
Francis Watt, Esquire - - -	James Blenkins - - -	Part of orchard.
Ditto - - - - -	- - ditto - - - - -	Part of garden and garth.
Ditto - - - - -	The Rev. John Mackereth - - -	Part of orchard and garden.
Ditto - - - - -	John Wilkinson - - -	Part of garden and garth.
John Ward - - - - -	- - John Ward, late W. Watson - - -	Part of garden.

Sunk Island Road.

A
B I L L

To enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to make and maintain a Road from the Church, in the Parish of Sunk Island, to the Town of Ottringham, in the East Riding of the County of York.

(Prepared and brought in by
Mr. Edward John Stanley and Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
23 July 1836.



(Ireland.)

A

B I L L

To enable Tenants for Life of Estates in Ireland to make Improvements in their Estates, and to charge the Inheritance with the Monies expended in such Improvements.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} it would lead to the improvement of property in Ireland, and be advantageous to the public, if Tenants for Life were empowered, under proper restrictions, to make permanent improvements in their Estates, and to charge the Inheritance thereof with the Monies expended by them for that purpose; **B**E it therefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the *passing of this Act*, it shall and may be lawful for any Tenant for Life to apply by Petition to either of His Majesty's Courts of Chancery or Exchequer in Ireland, for leave to make any permanent improvements in the lands and hereditaments to which he shall be entitled, or any part thereof, either by draining, enclosing or planting the same, or otherwise rendering the same fit for cultivation; and in every such Petition shall be specified the improvements proposed to be made, and the estimated cost thereof, and every such Petition shall be referred to a Master of the said Court of Chancery, or to a Remembrancer of the said Court of Exchequer, to inquire into and ascertain the propriety of such improvements being effected; and such Master or Remembrancer shall and he is hereby required to call for such plans and estimates and specifications in relation to the said proposed improvements as he shall think fit, and shall cause the same to be laid before the Commissioners for the time being appointed for the extension and promotion

Preamble.

1.
Tenants for Life may apply to Court of Chancery or Exchequer for leave to make Improvements.

of Public Works in Ireland, who shall and they are hereby required to report thereupon to such Master or Remembrancer, and after such Report shall have been made to and considered by such Master or Remembrancer, he shall make his report respecting such proposal; and the Court to which any such application shall be made shall make such order upon such Petition and Report, and as to the costs of the application, as such Court shall think fit, and as shall be in conformity with the provisions of this Act. 5

2.
Commission-
ers of Public
Works may
employ Sur-
veyor.

And be it further Enacted, That for enabling the said Commissioners of Public Works to make their Report according to the provision last hereinbefore contained, it shall be lawful for them, if they shall think fit, to employ a Surveyor to inspect the lands and hereditaments proposed to be improved, and to advise upon the improvements proposed to be made, and all expenses incidental to any such application to the said Commissioners shall, in the first instance, be paid by the tenant for life who presented the Petition; but shall afterwards be defrayed in such manner or by such persons as the Court to which the Petition shall be preferred shall direct. 10 15

3.
Copy of
Petition to be
served on
Parties inter-
ested.

Provided always, and be it Enacted, That a copy of every such Petition shall be served *Twenty-one Days* at the least before the hearing thereof upon every person entitled to any estate or interest in, or any charge or incumbrance upon, the lands and hereditaments so proposed to be improved; but if any of such persons shall be of unsound mind, or under the age of *Twenty-one Years*, or beyond the limits of Great Britain or Ireland, then a copy of such Petition shall be served on their behalf respectively upon such person or persons respectively as the Court to which the said Petition shall be preferred shall appoint for that purpose; and every person upon whom a copy of any such Petition shall be so served, shall be at liberty to attend before the Master or Remembrancer to whom such Petition shall be referred, and to consent or object to the proposal contained in such Petition. 20 25 30

4.
Tenant for
Life may
make Im-
provements if
the Court
sanctions it.

And be it further Enacted, That in every case where it shall be proved to the satisfaction of the Court to whom any such Petition shall be preferred, that the proposed improvements are proper and judicious, and will be advantageous to the persons entitled in reversion or remainder, and the said Court shall order or direct that the proposed improvements may be made, it shall be lawful for the tenant for life who shall have presented such Petition to make and execute such improvements accordingly. 35

5.
After Im-
provements
have been
made, Court
to ascertain

And be it Enacted, That in every case where the said Court of Chancery or Exchequer shall, in pursuance of the provisions of this Act, have made an order sanctioning the execution of any improve- 40
ments

ments of any lands or hereditaments, and such improvements shall have been made accordingly, it shall be lawful for such Court, upon the Petition of the tenant for life who shall have made such improvements, to inquire into and ascertain the amount actually expended in such improvements, and upon proof thereof being made to the satisfaction of the said Court and the said Board of Works, to order and direct that the tenant for life who shall have made such improvements shall be at liberty to charge the inheritance of the lands and hereditaments so improved, and of all or any other lands and hereditaments held therewith under the same instrument, with the amount of the monies so expended, and the expenses of and incidental to the applications to the said Court, together with interest at any rate not exceeding *Five Pounds* per centum per annum.

what Money has been properly expended, and to order it to be charged on Inheritance.

Provided always, and be it further Enacted, That the principal money to be so charged under or by virtue of the provisions aforesaid, shall in no case exceed the amount of *Three Years'* rent or clear yearly value of the said lands and hereditaments so authorized to be charged (to be ascertained by an average of the last *Nine Years'* rent or clear yearly value thereof), such rent or clear yearly value to be over and above all rates and taxes payable in respect of such lands and hereditaments, and all interest on charges affecting the said inheritance, except the interest of the money so to be charged in respect of such improvements.

6.
Money to be charged not to exceed *Three Years'* rent or value.

AND for ascertaining the average amount of the rent or clear yearly value of any lands and hereditaments, the inheritance of which shall be sought to be charged under the provisions of this Act, in respect of money expended in permanent improvements as aforesaid; BE it Enacted, That when any reference shall be made under the provisions of this Act as to the propriety of any improvements being carried into effect, or as to such money having been properly laid out, the Master or Remembrancer to whom such reference shall be made shall inquire and report what has been the yearly rent or clear yearly value of the said lands and hereditaments so to be charged during the last *Nine Years* which shall have elapsed before the date of his said Report.

7.
Method of ascertaining the average rent or yearly value.

And be it further Enacted, That when and so soon as or at any time after the said Court of Chancery or Exchequer shall have made any order under the provisions of this Act, directing that any money which shall have been ascertained to have been expended in permanent improvements of any lands or hereditaments may be charged on the inheritance thereof, it shall be lawful for the tenant for life who shall have obtained such order, his executor or administrator, to charge or demise the said lands and hereditaments so chargeable to or in favour

8.
Tenants for Life may charge the Inheritance according to the order of the Court.

of any person or persons whomsoever, for securing the repayment of such sum as shall be chargeable on the inheritance of the said lands and hereditaments, under the provisions of this Act, and interest for the same at the rate aforesaid.

9.
When Money
paid, Charge
to become
void.

Provided always, and be it Enacted, That when and so soon as the money secured by any such charge or demise shall be fully paid and satisfied by or on behalf of any persons or person who shall be entitled to the inheritance of and in the said lands and hereditaments, every such charge or demise shall be and become absolutely null and void. 5

10.
Persons en-
titled in re-
mainder not
to be liable to
more than
Twelve
Months'
interest.

Provided also, and be it further Enacted, That no persons or person becoming entitled to the possession or receipt of the rents of the said lands and hereditaments, after the determination of any preceding estate or interest therein, shall be liable to pay any further or larger arrear of interest than for *Twelve* calendar Months next preceding the time when the title to such possession or receipt of rents shall have commenced. 10 15

11.
Master to in-
dorse on Deed
of Charge a
Statement of
the average
Rental.

And be it further Enacted, That the Master or Remembrancer by whom the average amount of rent or yearly value shall be ascertained as aforesaid, or his successor in office, shall and he is hereby required to indorse a statement of the amount thereof on every Indenture of charge or demise, and to sign the said indorsement and to set forth the date thereof, and every such statement shall be binding and conclusive. 20

12.
Tenant for
Life may
apply to Com-
missioners for
Loans.

And be it further Enacted, That it shall and may be lawful for any tenant for life, hereby authorized to make such improvements as aforesaid, to apply to the Commissioners appointed for carrying into execution the purposes of an Act of Parliament passed in the first and second years of the reign of His present Majesty, intituled, "An Act for Extension and Promotion of Public Works in Ireland," or any other Act to be hereafter passed for the like purpose, for the loan of any sum or sums of money for defraying the expenses of any such improvements proposed to be or in course of being made under the authority of this Act, at interest, after the rate and upon the terms mentioned in the said Act, or any other Act to be hereafter passed for the like purpose, for loans to individuals for the drainage or other improvement of lands. 25 30 35

13.
Commis-
sioners, with
consent of the
Lords Com-
missioners of
His Majesty's
Treasury,
may advance
any Sum ap-
plied for.

And be it further Enacted, That it shall and may be lawful for the Commissioners appointed for carrying the purposes of the said Act, or any other Act to be hereafter passed for the like purposes, into execution, to receive any such application which shall be so made to them; and if they shall think proper, and the Lords Commissioners of His Majesty's Treasury shall consent thereto, to advance and lend the sum 40

or

or sums so applied for, at such rate of interest and upon such terms as are hereinbefore referred to.

5 Provided always, and be it Enacted, That the term "tenant for life" shall extend to any person entitled either legally or equitably to an estate or interest in any lands or hereditaments for the term of his own life, or for a term of years determinable on his life, but the provisions hereinbefore contained shall only extend to any such tenant for life where he is entitled under a Will or Codicil, or appointment in the nature of a Will, or under a Settlement or an Act of Parliament, and
10 not to any tenant for life under a lease or any other instrument.

14.
What Tenants for Life to be entitled to exercise the powers of this Act.

And be it further Enacted, That this Act may be repealed or altered by any Acts or Act during the present Session of Parliament.

15.
Act may be repealed or altered.

Entailed Estates.

(Ireland.)

A

B I L L

To enable Tenants for Life of Estates in
Ireland to make Improvements in their
Estates, and to charge the Inheritance
with the Monies expended in such Im-
provements.

(Prepared and brought in by
Mr. Lynch, Mr. Wyse and Mr. Morgan John
O'Connell.)

Ordered, by The House of Commons, to be Printed,
21 July 1836.



A

B I L L

For facilitating the Recovery of the Possession of Tenements
after the determination of the Tenancy.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

WHEREAS it is expedient to provide for the more speedy
and effectual recovery of the possession of Premises
unlawfully held over after the determination of the Tenancy;

BE it therefore Enacted, by The KING's most Excellent
5 MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT from and
after the *passing of this Act*, when and so soon as the term and interest
of any Tenant in any premises whereof the rent payable in respect of
10 such tenancy did not exceed the rate of *Twenty* Pounds by the year,
shall have expired by effluxion of time, or shall have been duly deter-
mined by a notice to quit, and such Tenant, or if such Tenant do not
actually occupy the same premises, or occupy only a part thereof, any
person or persons by whom the same or any part or parts thereof shall
15 be then actually occupied, shall neglect or refuse to quit and deliver
up possession of the same premises, or of such part or parts thereof
respectively, upon the expiration or other determination of the tenancy
as aforesaid, it shall be lawful for the said Landlord or his agent to
cause the person or persons so neglecting or refusing to be served (in
the manner hereinafter mentioned) with a written notice, signed by the

267.

A

said

1.
Where Tenant
or Occupier
of Premises
whereof the
Rent does
not exceed
the rate of
20*l.* a year,
holds over,
the Landlord
may go before
a Justice of
Peace, and
make infor-
mation and
complaint
that the Te-
nancy is
expired, that
he is entitled
to possession,
and that
Notice of the
application
has been
served, where.

upon such Justice shall issue his Warrant directing the Constables to assist the Landlord in retaking Possession.

said Landlord or his agent, that in case possession of the same premises, or of such part or parts thereof as shall be so held over respectively, shall not, on or before the expiration of *Four* Days from the service of such Notice, be peaceably delivered up to the said Landlord or his Agent, proceedings will be taken for the forcible retaking of the possession under the authority and according to the mode prescribed by this Act; and if after the expiration of such *Four* Days from the service of the said notice, such Tenant or such Occupier or Occupiers respectively, or any or either of them, shall still neglect or refuse to deliver up possession of the same premises, or of any part thereof, to the said Landlord or his agent, it shall be lawful for the said Landlord or his agent to go before any Justice of the Peace acting for the county, riding, city, borough or place, within which the premises, or the principal part thereof, shall be situate, and to make information and complaint in writing before such Justice (which said information and complaint need not be upon oath), setting forth the nature of the holding, the expiration or other determination of the tenancy, with the time and manner thereof, and where the title of the Landlord has accrued since the letting of the premises, the right and character by and in which he claims the possession, the service of the notice, a duplicate of which shall be annexed to the said information, and the neglect or refusal of the Tenant, or Occupier or Occupiers, or any or either of them respectively, as the case may be, to deliver up the possession of the same premises, or of some part thereof, according to the tenor of the said notice; and the said Justice is hereby authorized and required, upon information and complaint so made, together with an affidavit of the service of such notice, in the manner hereinafter specified, such Justice being hereby empowered to administer an oath for that purpose, to issue his warrant to the Constables and Peace Officers of the district or place within which the said premises, or the principal part thereof, shall be situate, commanding them, upon the requisition of the said Landlord or his agent, to repair to the said premises, and there to aid and assist the said Landlord or his agent in entering by force, if needful, into the same premises, or such part or parts thereof as shall be so held over as aforesaid, and in taking full and effectual possession thereof: Provided, That such entry shall not be made on a Sunday, Good Friday or Christmas-day, nor at any time except between the hours of *Nine* in the morning and *Four* of the afternoon: Provided also, That nothing hereinbefore contained shall be deemed to protect the Landlord or his agent from any action which may be brought against him by any such Tenant or Occupier for or in respect of such entry and taking possession, where such Landlord had not at the time of making the information and complaint aforesaid lawful right to the possession of the same premises, or such part thereof as shall have been so entered as aforesaid.

Not to protect the Landlord from an Action where he had not, at the time of making such Application lawful right to possession of the Premises.

And

179
2.
The manner
in which
Notice of
such Appli-
cation shall
be served.

And be it Enacted, That the notice hereinbefore specified may be served either personally or by leaving the same with some person there, being in and apparently residing at the place of abode of the person or persons so holding over as aforesaid; and that the person serving
5 the same shall explain to the person served, or with whom the same shall be left as aforesaid, the purport and intent thereof: Provided, That if the person or persons so holding over, or any or either of them, cannot be found, and the place of abode of such person or persons shall either not be known, or admission thereto cannot be obtained for
10 serving the same notice, the posting up of the said notice on some conspicuous part of the premises so held over, shall be deemed to be good service upon such person or persons respectively.

And be it Enacted, That if in any such information and complaint any Landlord, agent or other person, shall knowingly and wilfully make
15 any false statement, with a corrupt purpose of obtaining possession of any premises by the means aforesaid, without having lawful right thereto, he shall be deemed and taken to be guilty of wilful and corrupt *Perjury*; and it shall be lawful for the Court before whom the trial of such offence shall be had, if they shall so think fit, to make
20 such and the like order touching the defraying the expenses of the Prosecution, and indemnifying the Prosecutor as they are now or at any time hereafter shall be authorized and empowered to make upon Prosecutions for *Perjury*.

And be it Enacted, That every such Tenant or Occupier who shall
25 be turned out of possession by the means and in the manner aforesaid shall be entitled to demand and have of and from such Justice as aforesaid a copy of such Information, Duplicate, Notice and Affidavit of Service as aforesaid, in payment for the same of a sum not exceeding the rate of *One Penny Halfpenny* for every folio of Ninety Words.

And be it Enacted, That where the Landlord at the time of laying the information aforesaid had lawful right to the possession of the premises, or of the part or parts thereof, so held over as aforesaid, neither the said Landlord, nor his agent, nor any other person acting in his or their behalf, shall be deemed to be a trespasser by reason merely
35 of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act; but the party aggrieved may, if he think fit, bring an action on the case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special
40 damage, with costs of suit: Provided, That if the special damage so laid be not proved, the Defendant shall be entitled to a verdict, and that, if proved, but assessed by the Jury at any sum not exceeding

3.
Persons wil-
fully making
false Infor-
mation, &c.
guilty of
Misdemeanor.

4.
Tenant en-
titled to
receive from
the Justice a
Copy of the
Information,
Notice and
Affidavit.

5.
Where Land-
lord has law-
ful Title, not
to be deemed
a Trespasser
by reason of
irregularity,
but to be
liable in an
Action on
the case for
special Da-
mage, pro-
ceeding from
irregularity.

Five Shillings, the Plaintiff shall recover no more costs than damages, unless the Judge before whom the trial or inquiry shall have been held, shall certify upon the back of the Record that in his opinion full costs ought to be allowed.

6.

How Goods
found on the
Premises are
to be disposed
of.

And be it Enacted, That if at the time of taking possession by the manner aforesaid, any goods whereof any such said Tenant or Occu-
prier shall be the apparent owner, shall be found in or upon the pre-
mises so entered, it shall be lawful for such apparent owner, and any
persons authorized by him, not exceeding *Three* in the whole, during
Three Days, exclusive of Sunday next afterwards, peaceably and after
request to enter, at any time between the hours of *Nine* in the morn-
ing and *Four* in the afternoon, into or upon the same premises, for the
purpose of removing the said goods, and to remove the same without
hindrance or molestation; and in case, after the expiration of such
Three Days, the said goods, or any part thereof, shall not have been
taken away from the said premises, it shall be lawful for the said Land-
lord, or any person acting by his authority, to remove the same, doing
no unnecessary damage, to some convenient place near thereto; and
the said Landlord, or some person in his behalf, shall thereupon, as soon
as conveniently may be, give notice to the said apparent owner (which
notice may be served in the manner hereinbefore provided for service
of the notice of application to the Justice), of the place where the said
goods are deposited, and that they will be delivered up to him on ap-
plication to a person and at a place specified in such notice for pay-
ment of the reasonable charges of removing and keeping the same at
any time within *Fourteen* Days from the service of the notice, after
which time, if not sooner removed, they will be sold by public auction;
and if after the expiration of *Fourteen* Days from the service of such
Notice, the said goods, or any part thereof, shall not be taken away
pursuant to such notice, it shall be lawful for the said Landlord, or any
person on his behalf, to sell the same by public auction for the best
price which can be got, and, after deducting from the proceeds of such
sale as well the expenses of the sale as the reasonable charges of
removing and keeping the said goods, the said Landlord, or other
person on his behalf, shall pay the overplus to the said apparent owner
on demand: Provided, That nothing in this enactment shall lessen or
affect the legal right of any person to seize and take the same goods,
by way of distress or in execution, or by any other legal process what-
soever, at any time before such sale thereof or delivery to the said
apparent owner.

40

7.

Where Pre-
mises are
held at a
Rent exceed-

And be it Enacted, That when the term or interest of any Tenant
in any premises (held at a rent exceeding the rate of *Twenty* Pounds
by the year), shall have expired or been determined as aforesaid, and an
action

action of ejectment shall have been brought by the Landlord for the recovery of the possession thereof, it shall be lawful for any Judge of the Superior Courts of Common Law at Westminster, after appearance in the said action shall have been entered by or for the Defendant, upon proof, by affidavit being made to his satisfaction that such premises were held at a rent to be specified exceeding such rate, and that such tenancy has expired or been determined, as the case may be, and that the rent in arrear (if any) amounts to a sum to be specified, to order that the Defendant, within a time to be mentioned in such order, shall give security by bond, with *Two* Sureties, to the Lessor of the Plaintiff, in the form and with the condition set forth in the Schedule to this Act, in an amount specified (being such as the said Judge shall deem sufficient to cover the mesne profits and the costs which may be recovered in and by such action), or show good cause why he should not give such security, and that in default thereof, judgment in such action shall be entered for the Plaintiff; and in case the Defendant shall not give such security, pursuant to such order, or show good cause why he should not give such security, or if, having given such security, he shall fail to perfect the same in the manner and within the period prescribed for perfecting bail, in ordinary cases where bail is given to the action, the Plaintiff, upon affidavit of the service of the order, and of such default, shall be entitled to a peremptory order for entering up judgment against the Defendant, and such judgment may be entered up accordingly: Provided, That no proceeding shall be commenced upon any such security after the expiration of *Six* calendar Months from the time when possession of the premises shall have been actually delivered to the Landlord: Provided also, That if such Judge shall be satisfied, upon cause shown by the Defendant, that he did not originally become Tenant under the Lessor of the Plaintiff himself, and that he has bonâ fide reason to dispute the title of the said Lessor of the Plaintiff, no security shall in such case be required.

ing the rate of 20*l.* a year, Application may be made to a Judge for security for Damages and Costs.

And be it Enacted, That in construing this Act [the word "Premises" shall be taken to signify lands, houses or other corporeal hereditaments; and that the word "Person" shall be taken to comprehend a body politic, corporate or collegiate, as well as an individual; and that every word importing the singular number shall, where necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things, as well as one person or thing; and that every word importing the masculine gender shall, where necessary, extend and be applied to a female as well as a male; and that the term "Landlord" shall be understood as signifying the person entitled to the reversion of the premises, or, if the property be held in joint tenancy, co-parcenary or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion; and that the word "Agent" shall be taken to signify any

8.
Interpretation
Clause.

person usually employed by the Landlord in the letting of the premises, or in the collection of the rents thereof, or specially authorized to act in the particular matter by writing under the hand of such Landlord.

9.
Not to extend
to Scotland or
Ireland.

And be it Enacted, That this Act shall not extend to Scotland or Ireland.

SCHEDULE

TO WHICH THIS ACT REFERS.

FORM of BOND and CONDITION where the Defendant in an Action of Ejectment has been required, by order of a Judge, to give Security for Damages and Costs.

KNOW all Men by these Presents, That we, A. B. of, &c., C. D. of, &c., and E. F. of, &c. are held and firmly bound to G. H. of, &c. in the sum of _____ to be paid to the said G. H. his certain attorney, executor, administrators or assigns, &c.

WHEREAS in a certain Action of Ejectment brought by G. H. Plaintiff, against A. B. Defendant, in the Court of King's Bench, Common Pleas or Exchequer, it hath been ordered by the Honourable Mr. Justice M. N. that the said Defendant shall give security to the said Plaintiff for such damages and costs as may be recovered in the said Action.

Now the condition of this obligation is such, that if the said Defendant shall satisfy all such damages and costs as shall be recovered by the said Plaintiff in the said Action, then this obligation shall be void, otherwise the same shall remain in full force and effect.

Recovery of Tenements.

A

B I L L

For facilitating the Recovery of the Possession
of Tenements after the determination of the
Tenancy.

(Prepared and brought in by
Mr. Aglionby and Mr. Ewart.)

Ordered, by The House of Commons, to be Printed,
12 May 1836.

127



A

B I L L

For the Commutation of Tithes in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **E**R **E**A **S** it is expedient to amend the Laws relating to Tithes in England, and to provide the means for an adequate compensation for Tithes, and for the commutation thereof; **W**E **i**t **t**herefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint *Two* fit persons, and for the Archbishop of Canterbury, under his hand and episcopal seal to appoint *One* fit person, which *Three* persons so appointed shall be Commissioners to carry this Act into execution, and shall hold their office during the joint pleasure of the said Archbishop and Secretary of State; and upon every vacancy in the Office of Commissioner some other fit person shall be appointed to the said Office, in the same manner as the Commissioner whose vacancy is thereby supplied; and until such appointment, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.
Appointment of Commissioners.

Removal of Commissioners.

And be it Enacted, That the said Commissioners shall be styled, "THE TITHE COMMISSIONERS FOR ENGLAND AND WALES;" and they, or any *Two* of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners, acting as such Board, by summons under their hands, may require the attendance of all such persons

2.
Style of Commissioners.

May sit as a Board.

Power to summon and examine Wit-

nesses, and
call for pro-
duction of
Papers.

as they may think fit to call before them upon any matter brought before them as hereinafter mentioned relating to the Tithes of any parish or place, and also make any inquiries, and call for any answer or returns as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced 5 before them upon oath all books, contracts, agreements, accounts and writings, or copies thereof respectively, in anywise relating to any such matter; or in lieu of requiring such oath as aforesaid, the said Commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of his examination: Provided al- 10 ways, That no such person shall be required, in obedience to any such summons, to travel more than *Ten* miles from the place of his abode.

Power to sub-
stitute Decla-
ration for
Oath.

3.
To have Com-
mon Seal.

And be it Enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Awards made and confirmed by the said Commissioners 15 in pursuance of this Act; and all such Awards, and other documents proceeding from the said Board, or copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof; and no Award shall be of any force, unless the same shall be sealed or 20 stamped as aforesaid.

Awards, &c.
purporting to
be sealed with
Seal of Com-
missioners, to
be received as
Evidence.

4.
Commission-
ers to report
to Secretary
of State, An-
nual Report
to be laid be-
fore Parlia-
ment.

And be it Enacted, That the said Commissioners shall from time to time, give to any one of His Majesty's Principal Secretaries of State, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and 25 shall once in every year, send to one of the Principal Secretaries of State, a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within *Six* weeks after the receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, 30 then within *Six* weeks after the next Meeting thereof.

5.
Power to
appoint As-
sistant Com-
missioners;

and to remove
same.

Not more
than Nine to
be appointed
without con-
sent of Trea-
sury.

And be it Enacted, That the said Commissioners may from time to time appoint, under their hands and seal, such Persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the said Commissioners may 35 direct, and in like manner may remove such Assistant Commissioners, or any of them, at their discretion, and on any vacancy in the said Office of Assistant Commissioner, may appoint, if they see fit, some other Person to the said Office: Provided always, That it shall not be law- 40 ful for the said Commissioners to appoint more than *Nine* such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them, shall consent to the appointment of a greater Number.

And

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid, shall, during his continuance in such Office, be capable of being elected, or of sitting as a Member of the House of Commons.

6.
Commissioners not to sit in Parliament.

5 And be it Enacted, That the said Commissioners may from time to time appoint a Secretary, Assistant Secretary, and all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, may remove such Secretary, Assistant Secretary, Clerks, Messengers and Officers, 10 or any of them, and appoint others in their stead: Provided always, That the Amount of the Salaries of such Secretary, Assistant Secretary, Clerks, Messengers and Officers, shall from time to time be regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them.

7.
Commissioners to appoint Secretary, Assistant Secretary, Clerks, and other Officers.

15 And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed shall hold his Office for a longer period than *Five* years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration of the said 20 period of *Five* years, and of the then next Session of Parliament, so much of this Act as authorizes the appointment of any Tithe Commissioner shall cease.

8.
Operation of Act as to appointment of Commissioners, &c. limited to Five years.

And be it Enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his 25 Office, make the following declaration before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

9.
Commissioners and Assistant Commissioners to make a declaration.

30 "I, A. B. do declare, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, fulfil all the Powers and Duties of a Commissioner [or, Assistant Commissioner, as the case may be,] under an Act passed in the sixth year of the reign of King WILLIAM the Fourth, intituled, [here set forth the Title of this Act.]

Form of Declaration.

And the Appointment of every such Commissioner and Assistant Commissioner, with the time when and the name of the Judge or Baron before 35 whom he shall have made the declaration aforesaid, shall be forthwith published in the London Gazette; and every such Appointment, and the making of every such declaration shall from time to time be certified under the hands and seal of the said Commissioners, to the Clerk of the Peace of every county in England and Wales, who, as soon as 40 conveniently may be, shall cause the same to be advertized once at least in some newspaper published or circulated in such county; and

Notification of appointment to be sent to Clerks of the Peace.

such Certificate shall be kept by the Clerk of the Peace with the records of the county.

10.
Commission-
ers may dele-
gate powers to
Assistant
Commission-
ers, except
powers to be
exercised
under their
seal.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any of them, such of the powers hereby given to the said Commissioners (except the power to do such acts as are required to be under the seal of the said Board) as the said Commissioners shall think fit ; and the powers so delegated shall be certified and exercised under such regulations as the said Commissioners shall direct ; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made ; and all summonses and orders made by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner.

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11.
Reasonable
Expenses of
Witnesses to
be paid, and
by whom.

And be it Enacted, That the said Commissioners, in any case where they see fit, may order such expenses of Witnesses, and of the production of any books, contracts, agreements, accounts or writings, or copies thereof, before the said Commissioners or Assistant Commissioners, as the Commissioners may deem reasonable, to be paid as follows ; that is to say, by such Persons as shall appear to the said Commissioners to be interested in such attendance or production respectively, and in such proportions as the Commissioners shall think fit, in all cases in which such Witnesses shall not go or travel more than *Ten* Miles from their respective place of abode, and in all other cases the expenses so ordered shall be deemed part of the incidental expenses attending the execution of this Act, and shall be paid accordingly.

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12.
Owner of
Land and
Tithe em-
powered to
contract for a
Commutation
of Tithe.

And be it Enacted, That the Owner of any Lands and Owner of any Tithe may contract with each other, in manner hereinafter mentioned, for the Commutation of Tithe for an annual Rent-charge to be agreed upon between the contracting parties, in full satisfaction for such Tithe, such rent-charge to be issuing out of the said Lands, and to be subject to be varied as hereinafter is mentioned : Provided nevertheless, that no such agreement, so far as the same shall relate to any Tithes due to any Ecclesiastical Person, not being a Corporation aggregate, in right of his Benefice shall be of force for any longer period than during the incumbency of such Person in such Benefice, unless the same shall have been confirmed during his incumbency, by the Patron of the Benefice, and Ordinary of the Diocese in which such Benefice is locally situated, or by the Commissioners as hereinafter mentioned ; and no such agreement, if made with the consent only of the Owner of an Estate in any Land or Tithes, less in the whole than an immediate Estate of Fee-simple or Fee-tail, shall be of force for any longer period than during such particular Estate, unless the

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the same shall have been confirmed under the hands and seal of the Commissioners.

And be it Enacted, That for the purposes of this Act, unless the context shall require a different construction, any word denoting the singular number and masculine gender shall denote also the plural number and feminine gender; and the word "Person" shall comprise all Corporations sole and aggregate; and the word "Tithes" shall comprise all Tithes, Compositions Real, Moduses and Prescriptive Payments in lieu of Tithes, Dues, Oblations and Obventions; and every Benefice shall be taken to be within that diocese by which it is surrounded, or with which it has the longest common boundary; and the word "Lands" shall comprise all Messuages, Lands, Tenements and Hereditaments; and every Person in the actual occupation of any Lands or Tithes, not let to him at rack-rent, or any Person in the actual receipt of the Rack-rent of any Lands or Tithes, either on his own account or as Mortgagee or other Incumbrancer in possession, shall be deemed the Owner of such Lands or Tithes respectively; and the words "Rack-rent" shall mean any Rent not less than *Three-fourths* of the full improved annual value of such Lands or Tithes; and every Person for the time being entitled to present to the next vacancy of a Benefice, shall be deemed the Patron of the said Benefice: Provided always, That where any Lands shall have been usually demised to any Person upon any Lease renewable upon payment of a fine, the Lessee of such Lands shall be taken to be, for the purposes of this Act, joint Owner thereof, with the Person under whom the said Lands may be holden by virtue of any such Lease; and where any Lands shall be in the possession of any Person by virtue of any Writ of Elegit, or Writ of Extent, such Person shall be deemed joint Owner of such Lands, with the Person against whom such Writ may have issued: Provided also, That where any Tithe shall have been demised to any Tenant for life or years by any lease, and such Tenant shall by virtue of such demise be in the receipt or enjoyment of such Tithe, or the rents and profits thereof, and where any Tithe shall be in the possession of a Sequestrator, such Tenant or Sequestrator, as the case may be, shall be deemed joint Owner of the said Tithe, with the Person by whom such demise may have been made, or against whom the Writ of Sequestration may have issued, as the case may be.

And be it Enacted, That whenever any Person shall be at the same time Owner of any Lands and Owner of any Tithe comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being such Owner, shall also be Patron of the Benefice to which the Tithes in question may belong, such Person, in relation to such Contract, may act and be dealt with in each of the several characters so borne by him as aforesaid.

13.
Meaning of the words "Land" and "Tithes," in this Act. Who are to be deemed Owners and Patrons.

14.
When the same Person is Owner of Lands and Owner of Tithes, he may be dealt with in both characters.

15.
When Ownership of
Lands or
Tithes or
Patronage is
vested in the
Crown, who
to be deemed
the Owner, or
Patron.

And be it Enacted, That whenever the Ownership of any Lands or Tithe to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Lord Commissioner of His Majesty's Land Revenue for the time being shall, for the purposes of this Act, be substituted instead of the owner of such Lands or Tithe respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is of the yearly value of Twenty Pounds or upwards in the King's Books, and where such value is below the value of Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, That if such patronage is vested in His Majesty in right of the Duchy of Lancaster or the Duchy of Cornwall, the respective Chancellors for the time being of such Duchies shall for the purposes of this Act be substituted instead of the Patron.

16.
In case Patron
or Owner of
Land is a
Minor, Guardian or Committee to act.

And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithe to which the provisions of this Act are intended to apply, or any Person interested in any question as to any Tithes shall be a Minor, Idiot or Lunatic, or Feme Covert, or shall be beyond the Realm, the Guardian, Committee of the Estate, Husband or Attorney respectively of such Patron or Owner, shall for the purposes of this Act be substituted in the place of such Patron or Owner.

17.
What Persons
are to be
Parties to
contract for
Commutation
of Tithes.

And be it Enacted, That to every Contract which shall be entered into for the Commutation of Tithe pursuant to the provisions of this Act, there shall be parties as well the Owner of the Lands whereof the Tithe is proposed to be commuted, as also every Owner of any Tithe arising from or upon such Lands, or any part thereof; and in case at the time of the entering into any such Contract, the said lands or any part thereof shall have been demised and let to farm, or agreed to be demised and let to farm to any Person, such Farmer may, with the consent of the other parties to the said Contract, join in and be a party thereto; but if such Farmer shall not be a party to such agreement, the Person for the time being entitled to the rent reserved or agreed to be paid by any such demise or agreement shall, from the time when the said Contract shall come into operation under the provisions hereinafter contained, be entitled during such contract to stand in the place of the Owner of the Tithe payable in respect of the lands in question, and shall have all the powers and remedies for enforcing payment and render of such Tithe, or any composition in lieu thereof, which the Tithe Owner would have had in case this Act had

had not been passed: Provided always, That in case any such Farmer shall be a party to such Contract, then from the time when the said Contract shall come into operation, there shall be due and payable from such Farmer to the Person for the time being entitled to the
 5 rent reserved or agreed to be paid by any such demise or agreement as aforesaid, a further rent or annual sum equal in amount to the sum by such Contract agreed to be paid by way of Commutation for the Tithe of such lands, and to be payable on the same days on which such sum shall be payable under the provisions of this Act, and to
 10 be subject to be varied in the same manner; and the Person for the time being entitled to such additional rent shall have all the powers and remedies for enforcing payment thereof, which he may have for enforcing payment of the original rent or annual sum reserved or agreed to be paid by any such demise or agreement.

15 And be it Enacted, That *Two* or more Owners of Lands or Tithes may join in one Contract for the Commutation of Tithe; provided that in every such Contract the lands of every Owner be sufficiently distinguished, and a separate rent-charge be fixed upon the lands of every Owner, and in consideration of the claim of each Tithe
 20 Owner.

18.
Different
Owners
may concur
in one
Contract.

And be it Enacted, That every such Contract shall be ingrossed or written on parchment, and shall set forth the names and descriptions of the several Persons parties thereto, and shall state in what right such Persons are respectively made parties thereto, and shall specify the
 25 lands whereof the Tithe shall be intended to be thereby commuted, and in whose occupation respectively every part of such lands is, and the true or estimated quantities thereof respectively, and shall state in words at length, the amount of the yearly sum agreed to be charged upon such lands by way of Commutation for such Tithe, and where
 30 the same Person shall not be owner of the whole of such Tithe, shall specify to what parts of the said yearly rent each of the several Owners of such Tithe shall be respectively entitled.

19.
Form of
Contracts.

And be it Enacted, That upon the *Eleventh* day of *October* next following the completion of any such Contract, the lands specified therein
 35 shall, during the continuance of such contract, be absolutely discharged from the payment of all Tithes, except so far as relates to the liability of any Farmer of such lands not being a party to such Agreement, as aforesaid; and instead thereof there shall be payable thenceforth to the Person in that behalf mentioned in the said Agreement, the clear yearly
 40 sum agreed to be paid instead of the said Tithes; and such yearly sum shall be payable by two equal half-yearly payments on such days in every year as shall be agreed upon by the Parties, or if no such days are mentioned in that behalf, then on the *Sixth* day of *April* and *Eleventh* day of *October* in every year, the first payment being

20.
Lands
to be dis-
charged from
Tithe, and
Rent-charge
paid in lieu
thereof.

on the *Sixth* day of *April* next after the lands shall have been discharged from Tithe as aforesaid, in the nature of a Rent-charge issuing out of the lands agreed to be subject to the payment thereof; and such Rent-charge may be recovered at the suit of the party entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned: Provided always, That nothing herein contained shall be taken to render any Person whomsoever personally liable to the payment of any such Rent-charge. 5

21.

Rent-charge
to be liable to
Parochial and
County Rates.

And be it Enacted, That every Rent-charge payable by virtue of any such Agreement as aforesaid, shall be subject to the payment of all Parliamentary, Parochial and County Rates and Charges to which the Tithes in respect of which such Rent-charge is made payable would have been subject in case such Agreement had not been made. 10

22.

Parochial
Meetings may
be called, at
which Owners
of three-
fourths in
value may
make agree-
ments to bind
the whole
parish, if not
appealed from.

And be it Enacted, That the owner of of the whole or any part not being less than *One-fourth* part of the whole value of the uncommuted Tithes of any Benefice in England or Wales may call a general meeting of Land Owners within the limits of the Benefice, by notice thereof in writing under his or their hand, to be affixed at least *Twenty-one* days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the Benefice, and to be *Twice* at least inserted in some newspaper generally circulated within the County in which such Benefice is situated, for the purpose of making an Agreement for the general Commutation of Tithes within the limits of such Benefice; and every Land Owner and Tithe Owner attending such meeting shall bear his own expenses of attendance; and any Agreement made at such meeting which shall be agreed to and executed in person or by attorney by the owner or owners of not less than *Three-fourths* of the whole value of the uncommuted Tithes, and by the owner or owners of not less than *Three-fourths* of the whole value of the lands subject to Tithes, shall be binding upon all persons interested in the Tithes of such Benefice, and subject to the same conditions and limitations as if made and executed by each of them severally in manner hereinbefore mentioned in the case of contracts entered into by two or more owners of lands or Tithes, except such persons only as shall appeal against the same in manner hereinafter mentioned: Provided always, That no agreement made at such general meeting shall affect any agreement previously made under the provisions of this Act. 15 2 25 30 35

23.

Assistant
Commissioners may
attend to ad-
vise terms of
agreement.

And be it Enacted, That the Tithe Commissioners, or Assistant Commissioners if they shall think fit, on the request of the Parties by whom such general meeting shall have been called, or any one or more of them, may attend such meetings for the purpose of giving advice only; and no Commissioner or Assistant Commissioner, during the time he 40

is

is actually attending such meeting, shall have any of the powers herein committed to the said Commissioners, in cases of appeal or application for an award, as hereinafter mentioned, in default of any such agreement.

- 5 And be it Enacted, That copies of every Agreement made under this Act shall be forthwith sent by one of the parties, or by the Chairman of the meeting at which the same was made, to the Patron of the Benefice and Ordinary of the Diocese, and to the Tithe Commissioners; and the confirmation of every agreement by the Patron and Ordinary
 10 respectively shall be made, by notice thereof in writing given to the Tithe Commissioners, under the hand and seal of such Patron and Ordinary respectively; and such consent shall be published within the limits of the Benefice, in such manner as the Commissioners shall direct: Provided always, That it shall be lawful for the Commissioners
 15 under their hands and seal to confirm any such Agreement, although not confirmed by the Patron or Ordinary.

24.
 Agreement to be made known to Patron, Bishop and Commissioners; consent of Bishop and Patron to be made known to Commissioners.

- And be it Enacted, That the owner of any Lands or Tithes within the limits of any Benefice in which such general meeting shall have been had and such agreement executed, may within *Three* calendar
 20 month next after such agreement shall have been duly executed and transmitted to the Tithe Commissioners, appeal to the said Commissioners, by writing under his hand, against being bound by such agreement, and no person so appealing shall be bound by such agreement; and the Commissioners shall thereupon proceed to make and
 25 confirm an Award touching the interest of the Appellant in the premises, as if no such agreement had been executed; and on the decision of every such appeal, the Commissioners shall certify under their hands, by whom and in what proportions, if to be paid by more than one, the costs of proceeding upon such appeal shall be paid: Provided
 30 always, That if it shall appear to the Commissioners that there was no reasonable ground of appeal the Commissioners shall direct all the costs of the proceeding consequent upon the appeal to be paid by the Party appealing; and upon the production of the certificate of the assessment of costs on any such appeal before any *Two* Justices of the Peace for the
 35 county, or other jurisdiction wherein the Lands mentioned in the Appeal are situate, such Justices, upon non-payment thereof, are hereby required, by warrant under their hands and seals, to cause the same, and the costs of the distress, to be levied by distress and sale of the goods of the Party liable to pay the same.

25.
 Appeals from Parochial Agreement may be made to Commissioners within one month; Costs of Appeal how to be paid.

- 40 And be it Enacted, That if no notice shall have been given of any such intended general meeting, or if no such meeting shall have been held at the time and place appointed, or if at any such general meeting, no Agreement shall have been made as aforesaid, any Land

26.
 If no Agreement, Land Owner or Tithe Owner may call on Commissioners for an Award.

Owner or Tithe Owner may apply to the Tithe Commissioners for an Award as to his interest in Tithes or lands subject to Tithes, instead of such Agreement; and the Commissioners shall thereupon proceed to make and confirm such Award, and to assess and certify the costs thereof, and by whom payable and in what proportions, and such costs shall be recoverable, as in the case of an appeal against an agreement made at a general meeting: Provided nevertheless, that if notice shall be duly given of such intended general meeting, after any application to the Tithe Commissioners, the Commissioners, in consequence of such application, may suspend their proceedings, if they shall think fit, until the result of such notice shall appear.

27.
Award to be binding on the parties; not to require consent of Patron or Ordinary.

And be it Enacted, That in every case of appeal or application for an Award, the Award to be made and confirmed by the Commissioners in manner hereinafter mentioned, shall be binding on all persons and for ever, as if an agreement of the same tenor had been made between the parties in manner hereinbefore mentioned, with the consent of the Patron of the Benefice or Ordinary of the Diocese.

28.
Value of Tithes to be calculated upon an average of Seven Years.

And be it Enacted, That in the case of every such appeal or application for an Award, the Commissioners shall give public notice thereof, and after the expiration of *Twenty-one* days after such notice shall have been given, shall proceed to ascertain the the fair annual value of the Tithe payable in respect of Lands to be comprised in the said Award, according to the average rate and clear value of such Tithe during the *Seven* Years ending at Michaelmas next preceding the making of the said valuation, that is to say, during such part (if any) of the said period during which such Tithe or any part thereof, or the Tithe of any part of such Lands, shall have been rendered and taken in kind, either to the Tithe Owner or to any other person, then so far as relates to such Tithe so taken in kind, according to the clear value thereof, after making all just deductions on account of the expenses of collection or otherwise; and during such part (if any) of the said period during which such Tithe or any part thereof, or the Tithe of any part of such Lands, shall have been compounded for with the Occupier, or shall have been demised to him in consideration of any rent paid or agreed to be paid for the same, then as to such last-mentioned Tithe according to the amount of such Composition or Rent so agreed to be paid for the said Tithe, whether such Composition or Rent has or has not been actually paid: Provided always, That in estimating the value of the said Tithes, the Commissioners shall estimate the same as chargeable to all Parochial, County and other Rates, Charges and Assessments; and whenever during the said period of *Seven* Years the said Tithe shall have been compounded for on the principle of such Composition being paid free from all such Rates, Charges and Assessments, or any part thereof, the

Tithes to be valued as chargeable to Parochial and County Rates.

the said Commissioners shall have regard to that circumstance, and shall make a fair addition on account thereof, and shall award the average value so ascertained as the sum which ought to be taken as a permanent Commutation of the said Tithe.

5 Provided always, and be it Enacted, That in case notice in writing
under the hand of any Person interested in the said Award shall be
given to the Commissioners, or Assistant Commissioner delegated
in that behalf, within *Three* calendar Months next after the first notice
shall have been given within the Benefice, of the Commissioners
10 having been appealed or applied to for an Award, that the sum paid
or taken, or agreed to be paid or taken, for Tithe or by way of Com-
position for Tithe, upon an average struck during the said period of
Seven Years, does not fairly represent the sum which ought to be taken
for calculating a permanent Commutation thereupon, the said Commis-
15 sioners shall also ascertain, as nearly as may be, in manner aforesaid,
(except with regard to hop-grounds, orchards and gardens, concerning
which notice shall have been given as hereinafter provided), the average
rate and gross value of such Tithe, if the same had been taken in kind
during the whole said period of *Seven* Years, without having regard in
20 the valuation to any such Composition or Agreement, and without
making any deduction on account of the expenses of collection or
otherwise; and in every case in which the average sum paid or agreed
to be paid during the last *Seven* Years, as aforesaid, (adding thereunto,
if paid free from Parochial, County and other Rates, Charges and
25 Assessments, the amount of such charges thereon) shall appear to be less
than *Sixty* Pounds for every hundred Pounds of the average value
of the Tithe so estimated, if taken in kind, during the same period of
Seven Years, the sum taken for calculating a permanent Commutation
thereof shall be *Sixty* Pounds for every hundred Pounds of such
30 value of the Tithe taken in kind; and in every case in which the average
sum so paid, or agreed to be paid, shall appear to be more than *Seventy-
five* Pounds for every hundred Pounds of such average value of
the Tithe taken in kind, the sum taken for calculating a permanent
Commutation thereof shall be *Seventy-five* Pounds for every hundred
35 Pounds of such value of the Tithe taken in kind, and the average sum
so paid or agreed to be paid, if more than *Sixty* Pounds and less than
Seventy-five Pounds for every hundred Pounds of such average gross
value of the Tithe taken in kind, shall be taken without alteration for
calculating a permanent commutation thereof: Provided nevertheless,
40 That in every case in which due notice shall have been given to the
Commissioners or Assistant Commissioner, as aforesaid, and in which
it shall appear to the said Commissioners or Assistant Commissioner,
that any question concerning any modus, prescriptive or customary
payment, or composition Rent, or claim of exemption from, or non-
liability to the payment of Tithe relating to the Lands in question.

29.
Extreme cases
how to be
modified.

Disputed
Moduses, &c.
how to be
adjusted.

shall have been decided by competent authority since the beginning of the said period of *Seven Years*, the Commissioners, shall value the Tithes, and make their Award, as if such decision had been made at the beginning of the said period of *Seven Years*.

30.
How the Tithe
of Hops, Fruit,
and Garden-
produce is to
be valued.

And be it Enacted, That in every case in which any of the Lands 5
to be comprised in the said Awards shall be Hop-grounds, Orchards or
Gardens, and in which notice shall be given as last aforesaid to the
Commissioners by some Person interested therein, that he is desirous
that the Tithe thereof shall be separately valued, the Commissioners
shall ascertain the value of the Tithe thereof according to the average 10
rate of composition for the Tithe of Hops, Fruit and Garden-produce
respectively during *Seven Years* ending at Michaelmas next before
such valuation, within a district to be assigned in each case by the
Commissioners.

31.
Provision for
the change of
culture of
Hop-grounds.

And be it Enacted, That all Lands, whereof the Tithe shall be 15
commuted under this Act, which shall be newly cultivated as Hop-
grounds at any time after such valuation, shall be charged with an
additional sum of *Fifteen* Shillings per Acre over and above the
amount of the Rent-charge charged thereon as herein provided, whilst
not cultivated as Hop-grounds; such additional sum to be liable to all 20
incidents, and recoverable and payable as the original Rent-charge
charged upon such Lands: Provided always, That no such additional
sum shall be charged or payable during the year next after such new
cultivation, and half only of the said additional sum during the year
next but one after such new cultivation, and that all Lands, whereof 25
the Tithe shall have been separately valued as Hop-grounds in manner
hereinbefore provided, and which shall cease to be cultivated as Hop-
grounds at any time after such valuation, shall be charged from the
Eleventh day of *October* next following the last crop of Hops grown
on the said Lands, in lieu of the Rent-charge charged thereon as 30
Hop-grounds, with the Rent-charge which, in the judgment of the
Commissioners, shall appear to be the average rate of composition
for Tithe within the said District, according to the nature and quality
of the Land whereof the said Hop-grounds consist; and at the time
of valuing the Tithe of such Hop-grounds, the Commissioners shall 35
fix in the manner herein provided, the Rent-charge to be charged on
the Lands in case they cease to be cultivated as Hop-grounds.

32.
Commis-
sioners may
employ Sur-
veyors, and
enter on Lands
for the pur-
pose of
valuing Tithes.

And be it Enacted, That the Commissioners may employ such
Land-surveyors and Tithe-valuers as to them shall seem fit, for the
purpose of enabling them to make any award under this Act, and may 40
order to be paid to them such reasonable compensation for their
trouble, not exceeding the rate of *Two Guineas*, to every such person,
for every day that he shall have been so employed, as to the said Com-
missioners

missioners shall seem fit, and may assess the same as part of the costs of their Award; and the said Commissioners, and their agents or servants at all reasonable times, and upon giving reasonable notice to the tenant or tenants of the Lands in question, may enter upon any of the
 5 Lands to be included in such Award, and make an admeasurement, plan and valuation of the same, without being subject to any action or molestation for so doing: Provided always, That no Person employed as a Land-surveyor or Tithe-valuer by the said Commissioners, shall be capable of acting in such employ until he shall have made and sub-
 10 scribed before the said Commissioners or some Assistant Commissioner, the declaration hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person, instead of the word Commissioner, which declaration it shall be lawful for the said Commissioners to administer, and every such declaration
 15 so made and subscribed, shall be countersigned by the Commissioners or Assistant Commissioner, before whom the same shall have been made, and shall be preserved among the records of the Commissioners.

And be it Enacted, That as soon as such Admeasurement, Plan and Valuation shall have been made, the said Commissioners shall
 20 deposit the same at some convenient place within the said Benefice, for the inspection of all Persons interested in the said Lands or Tithes, and shall forthwith give public where such Admeasurement, Plan and Valuation may be inspected; and shall also in such notice appoint some convenient place, and such times as they shall think
 25 necessary (the first not earlier than *Twenty-one* days from the first giving of such notice) when and where they will attend to hear objections thereto; and the said Commissioners at such meetings as afore-said shall hear and determine any objections which may be then and there made to the said Admeasurement or Plan or Valuation, or
 30 adjourn the further hearing thereof, if they shall think proper, to a future meeting, and may, if they shall see occasion, direct any further valuation of the Tithes, Lands or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings notice shall be given in
 35 manner hereinbefore directed with regard to the original meetings; and when the said Commissioners shall have heard and determined all such objections, they are hereby required, if they shall see occasion, to cause such Admeasurement, or Plan or Valuation, or any statement respecting the same, to be altered; and if any alteration be made therein, the same proceedings shall be had with regard to such altered
 40 Admeasurement, Plan or Valuation as are hereinbefore directed with respect to the one first deposited, and so as often as the said Commissioners shall make any such alteration.

Proceedings
of the Com-
missioners on
the Valuation.

34.
Old Plans and
Surveys may
be used, if the
Commissioners think
proper.

And be it Enacted, That the Commissioners may, if they think fit, use for the purposes of this Act, any Admeasurement, Plan or Valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied.

35.
Commis-
sioners to
determine
Disputes.

Subject to
Appeal by an
Issue at Law;

And be it Enacted, That if any difference shall arise between any person or persons, body or bodies corporate or collegiate, claiming to be interested in any Lands or Tithes within the Benefice, touching any Admeasurement, Plan, Valuation or Award, or any thing relating thereunto respectively it shall be lawful for the said Commissioners to hear and determine the same: Provided always, That any person, claiming to be interested in any Lands within the Benefice, or in the Tithes thereof, who shall be dissatisfied with any such determination of the Commissioners, may cause an action to be brought upon a feigned issue against the person in whose favour such determination shall have been made, within *Three* calendar Months next after such determination shall have been notified in writing to the parties interested therein, or to their known agents; and shall proceed to a trial at law of such issue at the assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such Benefice, or the greater part thereof, is situated, with liberty nevertheless for the court in which the same shall have been commenced to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such court so to do; and every defendant in any such action shall file common bail, or appear thereto, and accept one or more issue or issues whereby such claim and the right thereby intended to be tried, may be determined, which shall be settled by the proper officer of the court, in case the parties shall differ about the same; and the parties in such action shall produce all deeds, papers and writings relating to the matters in issue, in their respective custody or power, upon the trial thereof, and otherwise, as the court shall direct; and the verdict which shall be given in any such action shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, That in case any such claim shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, the said Commissioners, at the request of the person dissatisfied with the determination of the said Commissioners (such request to be made to the said Commissioners within *Three* calendar Months after the notification as aforesaid of such determination, and at least *Fourteen* Days previous notice of such request, to be given in like manner to the other parties, or to their known agents,) may direct a case to be stated for the opinion of such one of His Majesty's courts of common law or equity at Westminster as the Commissioners shall think fit, which case shall

Or by taking
the Opinion of
a Court of
Law or Equity
thereon.

shall be settled by the said Commissioners, or under their direction, in case the parties differ about the same; and the matter shall be brought before such court in a summary way by motion or petition, and the court shall decide upon the same; and the decision of such court upon every such claim so brought before it shall be binding upon all parties concerned therein, and after such verdict given and not set aside by the court, or after such decision of the court, the said Commissioners shall allow or disallow such claim, according to such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, and shall be taxed by the proper officer of the court, and be recovered as in cases of costs of actions or suits brought in such court: Provided also, That it shall be lawful for every person claiming to be interested in any lands within the Benefice, or in the Tithes thereof, to refer any such difference to arbitration, or to compound the same, so nevertheless that in case such claim concerns the interest of the Incumbent of the Benefice, such reference or composition be with the consent as well of the said Commissioners as of the Incumbent, Ordinary and Patron of the Benefice, signified under their respective hands and the official seal of the Ordinary, and so also that in case such claim be of a general nature, such reference or composition be with the consent of *Three-fourths* at least in value of the Owners of the Lands to which the same extends, under their respective hands; and the Award of the Arbitrators upon any such reference, and every such composition of any such claim shall be final and conclusive on all persons concerned, and shall be adopted by the Commissioners in making their Award.

Power to refer
or compound
disputed
Rights.

And be it Enacted, That every owner of an Estate in Land or Tithes less in the whole than an immediate Estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may charge so much of the costs of Commutation as is to be defrayed by him, or any part thereof, upon the Lands whereof the Tithe is commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the charge upon such Lands or Rent-charge respectively, shall be lessened in every year following such commutation by *One-twentieth* part at least of the whole original charge thereon.

36.

Owners of
particular
Estates may
charge the
Costs on the
Estate for
Twenty Years.

And be it Enacted, That the determination of the said Commissioners touching any such difference, concerning which no power of bringing an action or of stating a case, is hereinbefore given, or which shall not be overruled by the event of the trial in any such action, or by the judgment of the court upon any such case, or which shall not be concluded by any such award or composition, shall be final and conclusive on all persons concerned.

37.

Determina-
tion of Com-
missioners not
overruled by
the event of
Trial, &c. to
be final.

38.
Proceedings
not to abate
by death of
parties.

And be it Enacted, That the proceedings of the Commissioners in any action, or in any case stated, or reference in pursuance of this Act, shall not abate or cease by reason of the death of any person interested therein, but such proceedings may be continued as if all the original parties thereto were living.

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39.
In case of
Deaths of
Parties before
Actions
brought, &c.
the same to be
carried on and
defended in
their Names.

And be it Enacted, That if any person in whose favour any such determination as aforesaid shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner appointed for that purpose, with process and notices relating thereto, in the same manner as the person deceased might have been served therewith if living; and it shall be incumbent on every person entitled to the benefit of such determination as aforesaid, or in case of any such person being under coverture, a minor or lunatic, beyond the seas, or under any other disability whatsoever, then on the husband, guardian, trustee, committee or attorney of such person, on his behalf to appear and defend such action or argue such case in the name of the person so dead, and proceedings shall be had therein in the same manner; and the rights of all persons shall be equally bound and concluded by the event of such action, or the decision upon such case as if such person had been living.

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40.
Award of the
Commis-
sioners.

And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such differences if any shall have been finally determined, the said Commissioners shall make an Award in writing under their hands concerning the premises, containing all the particulars hereinbefore directed to be inserted in contracts executed under this Act: Provided always, That no such Award shall be of any force until it shall have been confirmed by writing under the hands and seal of the said Tithe Commissioners; and at any time previous to such confirmation, the Tithe Commissioners, by writing under their hands and seal, may revoke any such Award, and no Award so revoked shall be of any force, but the Commissioners shall thereupon proceed to make a new Award touching the premises as hereinbefore directed; but no such revocation shall annul or affect any proceedings had previous to the execution of such Award, unless so specially directed by the said Tithe Commissioners in the deed of revocation; and Three copies of every Award and Contract under this Act confirmed by the Commissioners shall be made, and sealed with the seal of the said Commissioners; and one such copy shall be sent to the Clerk of the Peace for the county within which the Benefice whereof the Tithes have been so commuted,

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Transcripts of
the Award to
be sent to the

commuted, or the greatest part thereof, is locally situated, to be kept by him amongst the records of his office, to which all persons interested may at all reasonable times have recourse, on payment of a reasonable fee for inspection, or for a copy of the same or of any part thereof; 5 another such copy shall be deposited in the Registry of the Consistory Court of the Diocese within which the Benefice is situated, to be there kept among the records of the said Registry; and the other copy shall be deposited with the Incumbent and Church or Chapel Wardens, or other proper officers of the Benefice for the time being, to be kept by 10 them and their successors in office with the public books, writings and papers of the Benefice, to which all persons interested therein may have access, and take copies of or extracts therefrom, on giving reasonable notice, and paying a reasonable charge to the party having the custody thereof; and every recital in such confirmed Award or Contract, or 15 sealed copy thereof shall be deemed satisfactory evidence of the matters therein recited.

Clerk of the Peace, to the Registrar of the Consistory Court of the Diocese, and to the Incumbent and Minister and Churchwardens.

And be it Enacted, That if any owner of Lands or Tithe who is a party to such Award, shall be desirous that the Rent-charge to be awarded by the said Commissioners, by way of commutation for any 20 Tithe as aforesaid, should be separately apportioned among several Closes in respect of the Tithe, the Commissioners are hereby required, upon the request of any such party at any time previously to the making of the said Award, to apportion in their Award the amount of Rent-charge to be charged upon each of the several Closes or other portions 25 of Land, the Tithe whereof shall have been so commuted, or on any one or more of them exclusively of the other or others of them; and thereupon each of such Closes or other portions of Land shall be chargeable with the share only of Rent-charge awarded in respect of the same: Provided always, That the extra costs of every such special 30 Apportionment, shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the said Award are recoverable; and that no close of Land shall be exclusively charged with any Rent-charge or share of Rent-charge, on account of the Tithe of any other lands, unless the same shall be at 35 least double the value of such Rent-charge.

41.
Rent-charge may be apportioned on the separate Fields and Closes.

And be it Enacted, That immediately after *the passing of this Act*, and also after the *Twenty-ninth* day of *September* and before the *Eleventh* day of *October* *One thousand eight hundred and Thirty-six*, and of every succeeding year, the Comptroller of Corn Returns for the time being, or such 40 other Person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the London Gazette, stating what has been during *Seven* Years, ending on the *Thursday* next before the *Twenty-ninth* day of *September* then next

42.
Comptroller of Corn Returns to publish Average Price of Corn.

preceding, the Average Price of British Wheat, Barley and Oats, computed from the weekly Averages of the Corn Returns.

43.
Contracts to be deemed as entered into according to the average price of Corn.

And be it Enacted, That every Contract for the Commutation of Tithe which shall be entered into, and every Award which shall be made and confirmed pursuant to the Provisions of this Act, shall be taken to be made and confirmed respectively, according to the Prices of Wheat, Barley and Oats, as the same shall be ascertained by the Advertisement so to be published next before such Contract shall have been made or such Award confirmed, so that every Rent-charge agreed or awarded to be paid by any such Contract or Award, shall be deemed at the time of the entering into such Contract, or the confirmation of such Award, to be of the Value of such number of Bushels and decimal parts of a Bushel of Wheat, Barley and Oats as the same would have purchased at the Prices so ascertained, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase of Barley, and the remaining Third part thereof in the purchase of Oats; and after the *Eleventh* day of *October* next after the publication of any following Advertisement, the Amount of Rent-charge thenceforth payable shall be the value, according to the Prices ascertained by the then next preceding Advertisement, of the same number of Bushels and decimal parts of a Bushel of Wheat, Barley and Oats respectively, as the original Rent-charge would have purchased, at the Prices according to which the Contract was made or Award confirmed, if the same had been invested as aforesaid.

44.
Varied Rent-charge to be enforced in the same manner as original Rent-charge.

And be it Enacted, That all Parties entitled from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof, as are herein contained concerning the original Rent-charge.

45.
When Rent-charge is in arrear for 21 days after quarterly days of payment, the person entitled thereto may distrain.

And be it Enacted, That in case the said Rent-charge shall at any time be in arrear and unpaid for the space of *Twenty-one* days next after either of the said half-yearly days of payment, it shall be lawful for the Person entitled to the same, after giving or leaving at the usual or last known residence of the tenant in possession, *Ten* days' Notice to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to demean himself in relation thereto as any Landlord may for arrears of Rent reserved on a common lease for years: Provided always, That any Tenant or Occupier paying such Rent-charge shall be entitled to deduct the amount thereof, with the reasonable costs of any such distress, from the Rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord: Provided also, That not more

more than *Two* years' arrears shall at any time be recoverable by distress.

46.

When Rent-charges are in arrear for 40 days after half-yearly days of payment, the Persons interested may enter into possession of the Lands.

And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of *Forty* days next after either of the said half-yearly days of payment, it shall be lawful for the Person entitled to the same, although no legal demand shall have been made for the same, to enter upon and hold the lands charged with the same or any part thereof, and to take the rents, issues and profits thereof to his own use, until he shall be fully paid and satisfied the said Rent-charge, and all arrears thereof due at the time of such entry, or during the time of his being in possession, or in receipt of the rents and profits of the premises, with all costs which he may sustain by reason of the non-payment of the said Rent-charge, or any part thereof: Provided always, That nothing herein contained shall be taken to empower any Person so entering, to commit any wilful waste on the said Lands: Provided also, That not more than *Two* years arrears over and above the time of such possession, shall be at any time so recoverable.

47.

Powers of Distress and Entry to extend to all Lands within the Benefice occupied by the Owner, or under the same Landlord or holding.

Provided always, and be it Enacted, That in every case of an agreement or award, made and confirmed under this Act, and notwithstanding any apportionment which may have been made of any Rent-charge, every part of any lands within the same Benefice which shall at any time be occupied by the owner thereof, or by the same person under one landlord, or one holding, shall be liable to be distrained upon or entered as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether chargeable on the lands on which such distress is taken, or upon any other part of the lands so occupied or held, as if the whole of such arrears had accrued due in respect of the Rent-charge chargeable upon the lands on which such distress is taken.

48.

Spiritual Persons vacating Benefices may nevertheless recover Arrears of Rent-charge.

And be it Enacted, That any Spiritual person who may have resigned or otherwise vacated any Ecclesiastical Benefice or Dignity, and the executors, administrators and assigns of any such Spiritual Person, shall be entitled to all the remedies herein mentioned for enforcing payment of such annual Rent-charge, or any part, or arrear thereof, as may have accrued in right of such Benefice or Dignity during his incumbency, as if he were still in possession of and filling such Benefice or Dignity.

49.

Advertisements, Contracts and Awards not to be liable to Stamp Duty,

And be it Enacted, That no Advertisement inserted by direction of the Commissioners or by any Tithe Owner in the London Gazette, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no contract, agreement or award, made or confirmed under this Act, shall be chargeable with any stamp duty.

50.

Contracts
for the Com-
position of
Tithe subsist-
ing and
Tithes due
before
this Act, not
to be affected.

And be it Enacted, That no Commutation or Tithe which shall be effected by virtue of this Act, shall be taken to affect any Contract by way of Composition for Tithe which at the time of such Commutation taking effect may be subsisting between any Tithe Owner and the Oc-
cupier of any land liable to Tithe, without the consent of all the
parties to such subsisting contract, and nothing in this Act contained,
shall affect any right to any Tithes which shall have become due before
the Commutation

51.

Act not to
extend to
Easter Offer-
ings, &c. or
to payments
instead of
Tithes in
London, or to
permanent
Rent-charges
by custom or
Act of Par-
liament.

And be it Enacted, That nothing in this Act contained shall extend to
any Easter Offerings, Mortuaries or Surplice Fees, or to the Tithe of
fish, or of fishing, or to the Tithe of mills or any Personal Tithe, or to
any mixed Tithe not arising upon land, or to any Payments instead of
Tithes, arising or growing due within the City of London, or to any per-
manent Rent-charge or other Rents or payments in lieu of Tithes,
calculated according to any rate or proportion in the pound on the
Rent or value of any houses or lands in any city or town under any
custom or private Act of Parliament, or to any lands or tenements,
the Tithes whereof shall have been already perpetually commuted
or extinguished under any Act of Parliament heretofore made.

52.

False Evi-
dence to be
deemed Per-
jury; with-
holding Evi-
dence a Mis-
demeanor.

And be it Enacted, That if any Person, under the provisions of this
Act, shall wilfully give false Evidence, or shall make or subscribe a
false Declaration, he shall be deemed guilty of *Perjury*; and if any
Person shall wilfully refuse to attend in obedience to any lawful sum-
mons of any Commissioner or Assistant Commissioner, or to give
evidence, or shall wilfully alter, withhold, destroy or refuse to produce
any books, contracts, agreements, accounts and writings, or copies of
the same, which may be so required to be produced before the said
Commissioners or Assistant Commissioner, he shall be deemed guilty
of a *Misdemeanor*.

53.

Costs of
Ecclesiastical
Tithe Owners
may be
charged on the
Benefice for
Twenty Years.

And be it Enacted, That every Ecclesiastical beneficed Person who
shall commute the Tithes of his Benefice under this Act, may borrow
the sum necessary to defray so much of the cost of Commutation as is
to be defrayed by him or any part thereof, and as a security for repay-
ment, may assign the rent-charge to be received instead of such Tithes
for *Twenty-five* years, or until the principal sum borrowed, the interest
and costs thereof shall be sooner paid, and every incumbent successively
shall pay the interest of the sum borrowed, or of so much thereof as
shall then remain unpaid, as the same shall become due, or within *One*
calendar month next following, and also an instalment at the rate of
Five Pounds for every hundred Pounds of the principal sum borrowed,
and in default of such payment the Ordinary may sequester the profits
of the Benefice until such payments shall be made.

54.

Limits of Act.

And be it Enacted, That this Act shall extend only to England.

Tithes Commutation.

A

B I L L

For the Commutation of Tithes in England.

(Prepared and brought in by
Lord John Russell, Lord Viscount Howick,
and Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed
11 February 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Commutation of Tithes in *England*.

WH **E**R **E**A **S** it is expedient to amend the Laws relating to Tithe in *England*, and to provide the means for an adequate compensation for Tithe, and for the commutation thereof; **B**E **i**t **t**herefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint Two fit persons, and for the Archbishop of Canterbury, under his hand and episcopal seal to appoint One fit person, which Three persons so appointed shall be Commissioners to carry this Act into execution, and shall hold their office until death or resignation, or until removed by the joint authority of the said Archbishop and Secretary of State; and upon every vacancy in the Office of Commissioner some other fit person shall be appointed to the said Office, in the same manner as the Commissioner whose vacancy is thereby supplied; and until such appointment, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.
Appointment
of Commis-
sioners.

And be it Enacted, That the said Commissioners shall be styled, "THE ENGLISH TITHE COMMISSIONERS;" and they, or any Two of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Awards made and confirmed by the said Commissioners in pursuance of this Act; and all such Awards, and other documents proceeding from the said Board,

2.
Style of Com-
missioners.

To have Com-
mon Seal.

Awards, &c.
purporting to
be sealed with

Seal of Commissioners, to be received as Evidence.

or copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received in evidence, without any further proof thereof; and no Award shall be of any force, unless the same shall be sealed or stamped as aforesaid.

3.
Commissioners to report to Secretary of State, Annual Report to be laid before Parliament,

And be it Enacted, That the said Commissioners shall from time to time, give to any one of His Majesty's Principal Secretaries of State, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall once in every year, send to one of the Principal Secretaries of State, a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within Six weeks after the receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six weeks after the next Meeting thereof.

4.
Power to appoint Assistant Commissioners;

and to remove same.

Not more than Nine to be appointed without consent of Treasury.

And be it Enacted, That the said Commissioners may from time to time appoint, under their hands and seal, such Persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the said Commissioners may direct, and in like manner may remove such Assistant Commissioners, or any of them, at their discretion, and on any vacancy in the said Office of Assistant Commissioner, may appoint, if they see fit, some other Person to the said Office: Provided always, That it shall not be lawful for the said Commissioners to appoint more than Nine such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall consent to the appointment of a greater Number.

5.
Commissioners not to sit in the House of Commons.

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid, shall, during his continuance in such Office, be capable of being elected, or of sitting as a Member of the House of Commons.

6.
Commissioners to appoint Secretary, Assistant Secretary, Clerks, and other Officers.

And be it Enacted, That the said Commissioners may from time to time appoint a Secretary, Assistant Secretary, and all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, may remove such Secretary, Assistant Secretary, Clerks, Messengers and Officers, or any of them, and appoint others in their stead: Provided always, That the Amount of the Salaries of such Secretary, Assistant Secretary, Clerks, Messengers and Officers, shall from time to time be regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any Three or more of them.

And

And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed shall hold his Office for a longer period than Five years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration of the said period of Five years, and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

7.
Operation of Act as to appointment of Commissioners, &c. limited to Five years.

And be it Enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his Office, make the following declaration before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

8.
Commissioners and Assistant Commissioners to make a declaration.

"I, *A. B.* do declare, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, fulfil all the Powers and Duties of a Commissioner [*or, Assistant Commissioner, as the case may be,*] under an Act passed in the sixth year of the reign of King WILLIAM the Fourth, intituled, [*here set forth the Title of this Act.*]

Form of Declaration.

And the Appointment of every such Commissioner and Assistant Commissioner, with the time when, and the name of the Judge or Baron before whom, he shall have made the declaration aforesaid, shall be forthwith published in the *London Gazette*; and every such Appointment, and the making of every such declaration shall from time to time be certified under the hands and seal of the said Commissioners, to the Clerk of the Peace of every county in *England* and *Wales*, who, as soon as conveniently may be, shall cause the same to be advertized once at least in some newspaper published or circulated in such county; and such Certificate shall be kept by the Clerk of the Peace with the records of the county.

Notification of appointment to be sent to Clerks of the Peace.

And be it Enacted, That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to Tithe, and also make any inquiries, and call for any answer or returns as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, contracts, agreements, accounts and writings, or copies thereof respectively, in anywise relating to any such matter; or in lieu of requiring such oath as aforesaid, the said Commissioners, or Assistant Commissioner, may require any such person to make and subscribe a declaration of the truth of his examination: Provided always, That no such person shall

9.
Commissioners or Assistant Commissioners may summon and examine Witnesses.

be required, in obedience to any such summons, to travel more than Ten miles from the place of his abode.

10.

Reasonable Expenses of Witnesses to be paid, and by whom.

And be it Enacted, That the said Commissioners, in any case where they see fit, may order such expenses of Witnesses, and of the production of any books, contracts, agreements, accounts or writings, or copies thereof, before the said Commissioners or Assistant Commissioners, as the Commissioners may deem reasonable, to be paid as follows; that is to say, by such parties, and in such proportions as the Commissioners shall think fit, in all cases in which such Witnesses shall not go or travel more than Ten Miles from their respective place of abode, and in all other cases the expenses so ordered shall be deemed part of the incidental expenses attending the execution of this Act, and shall be paid accordingly. 5 10

11.

Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners (except the power to do such acts as are required to be under the seal of the said Board) as the said Commissioners shall think fit; and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner. 15 20 25

12.

Owner of Land and Tithe empowered to contract for a Commutation of Tithe.

And be it Enacted, That the Owner of any Lands and Owner of any Tithe may contract with each other, in manner hereinafter mentioned, for the Commutation of Tithe for an annual Rent-charge to be agreed upon between the contracting parties, in full satisfaction for such Tithe, such Rent-charge to be issuing out of the said Lands, and to be subject to be varied as hereinafter is mentioned: Provided nevertheless, that no such agreement, so far as the same shall relate to any Tithe due to any Ecclesiastical Person, in right of any Benefice of which he shall be incumbent, shall be of force for any longer period than during the incumbency of such Person in such Benefice, unless the same shall have been confirmed during his incumbency, by the Ordinary, and Patron of the Benefice, or by the Commissioners as hereinafter mentioned; and no such agreement, if made with the Owner of an Estate in any Land or Tithe, less in the whole than an immediate Estate of Fee-simple or Fee-tail, shall be of force for any longer period than during such particular Estate, unless the same shall have been confirmed under the hands and seal of the Commissioners. 30 35 40

And

13.
Interpretation
Clause.

And be it Enacted, That in the construction of this Act, unless the context shall require a different construction, any word denoting the singular number and masculine gender shall denote also the plural number and feminine gender; and the word " Person " shall comprise all Corporations sole and aggregate; and the word " Tithe " shall comprise all Tithes, portions of Tithes, Compositions Real, Moduses and Prescriptive Payments in lieu of Tithe, and every Peculiar shall be taken to be within that diocese by which it is surrounded, or with which it has the longest common boundary; and the word " Parish " shall comprise every extra Parochial Place; and the word " Lands " shall comprise all Messuages, Lands, Tenements and Hereditaments; and every Person in the actual occupation of any Lands or Tithe, not let to him at rack-rent, or any Person in the actual receipt of the Rack-rent of any Lands or Tithe, either on his own account or as Mortgagee or other Incumbrancer in possession, shall be deemed the Owner of such Lands or Tithe respectively; and the word owner shall mean any number of joint Owners; and the words " Rack-rent " shall mean any Rent not less than Three-fourths of the full improved annual value of such Lands or Tithe; and every Person for the time being entitled to present to the next vacancy of a Benefice, shall be deemed the Patron of the said Benefice: Provided always, That where any Lands shall have been usually demised to any Person upon any Lease renewable upon payment of a fine, the Lessee of such Lands shall be taken to be, in the construction of this Act, joint Owner thereof, with the Person under whom the said Lands may be holden by virtue of any such Lease; and where any Lands shall be in the possession of any Person by virtue of any Writ of Elegit, or Writ of Extent, such Person shall be deemed joint Owner of such Lands, with the Person against whom such Writ may have issued: Provided also, That where any Tithe shall have been demised to any Tenant by any Lease for life or lives or years, or during incumbency, and such Tenant shall by virtue of such demise be in the receipt or enjoyment of such Tithe, or the rents and profits thereof, and where any Tithe shall be in the possession of a Sequestrator, such Tenant or Sequestrator, as the case may be, shall be deemed joint Owner of the said Tithe, with the Person by whom such demise may have been made, or against whom the Writ of Sequestration may have issued, as the case may be.

14.
When the
same Person
is Owner of
Lands and
Owner of
Tithes, he
may be dealt
with in both
characters.

And be it Enacted, That whenever any Person shall be at the same time Owner of any Lands and Owner of any Tithe comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being such Owner, shall also be Patron of the Benefice to which the Tithe in question may belong, such Person, in relation to such Agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

15.
When Ownership of Lands or Tithes or Patronage is vested in the Crown, who to be deemed the Owner, or Patron.

And be it Enacted, That whenever the Ownership of any Lands or Tithe to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty's Land Revenue for the time being shall, for the purposes of this Act, be substituted instead of the owner of such Lands or Tithe 5 respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is of the yearly value of Twenty Pounds or upwards in the King's 10 Books, and where such value is below the value of Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, That if such patronage is vested in His Majesty 15 in right of the Duchy of Lancaster or the Duchy of Cornwall, the respective Chancellors for the time being of such Duchies shall for the purposes of this Act be substituted instead of the Patron.

16.
In case Patron or Owner of Land is a Minor, who to act.

And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithe to which the provisions of this Act 20 are intended to apply, or any Person interested in any question as to any Tithe shall be under legal disability, such Person as may be nominated for that purpose by the Court of Chancery in a summary way upon petition to be preferred by or under the direction of the said Commissioners, and whom the Court is hereby empowered to nominate upon 25 the hearing of such petition, shall for the purposes of this Act be substituted in the place of such Patron, Owner, or Person so interested.

17.
What Persons are to be Parties to contract for Commutation of Tithes.

And be it Enacted, That to every Agreement which shall be entered into for the Commutation of Tithe pursuant to the provisions of this Act, there shall be parties as well the Owner of the Lands whereof the 30 Tithe is proposed to be commuted, as also every Owner of any Tithe arising from or upon such Lands, or any part thereof; and in case at the time of the entering into any such Agreement, the said lands or any part thereof shall have been demised and let to farm, at rack-rent or agreed to be so demised and let to farm to any Person, such Farmer 35 may, with the consent of the other parties to the said Agreement, join in and be a party thereto; but if such Farmer shall not be a party to such Agreement, the Owner of such lands shall, from the time when the same shall come into operation under the provisions herein-after contained, be entitled during such Agreement and demise 40 to stand as to the perception and collection of Tithe or receipt of any composition instead thereof, in the place of the Owner of the Tithe payable in respect of the lands in question, and shall have all the powers

powers and remedies for enforcing payment and render of such Tithe, or any composition in lieu thereof, which the Tithe Owner would have had in case this Act had not been passed: Provided always, That in case any such Farmer shall be a party to such Agreement, then from the
 5 time when the said Agreement shall come into operation, there shall be due and payable from such Farmer to the Owner of such Lands as aforesaid, a further rent or annual sum equal in amount to the sum by such Agreement agreed to be paid by way of Commutation for the Tithe of such lands, and to be payable on the same days on which such sum
 10 shall be payable under the provisions of this Act and to be subject to be varied in the same manner; and such Land Owner shall have all the powers and remedies for enforcing payment of such further rent, which he may have for enforcing payment of the original rent or annual sum reserved or agreed to be paid by any such demise or agreement for a
 15 demise.

And be it Enacted, That Two or more Owners of Lands or Tithe may join in one Agreement for the Commutation of Tithe; provided that in every such Agreement the lands of every Owner be sufficiently distinguished, and a separate rent-charge, in consideration
 20 of the claim of each Tithe Owner, be fixed upon the lands of every Land Owner.

18.
Different
Owners
may concur
in one
Contract.

And be it Enacted, That every such Agreement shall be ingrossed or written on parchment, and shall set forth the names and descriptions of the several Persons parties thereto, and shall state in what right such
 25 Persons are respectively made parties thereto, and shall specify the lands whereof the Tithe shall be intended to be thereby commuted, and in whose occupation respectively every part of such lands is, and the true or estimated quantities thereof respectively, and shall state in words at length, the respective quantities of Wheat, Barley and Oats,
 30 whereof the price, ascertained as hereinafter provided, is to be charged upon such lands by way of Commutation for such Tithe, and where the same Person shall not be owner of the whole of such Tithe, shall specify to what parts of the said yearly rent each of the several Owners of such Tithe shall be respectively entitled.

19.
Form of
Contracts.

And be it Enacted, That upon the Eleventh day of October next following the completion of any such Agreement, the lands specified therein shall, during the continuance of such Agreement, be absolutely discharged from the payment of all Tithe, except so far as relates to the liability of any Farmer of such lands not being a party to such Agreement, as
 35 aforesaid; and instead thereof there shall be payable thenceforth to the Person in that behalf mentioned in the said Agreement, the clear yearly sum agreed to be paid instead of the said Tithe; and such yearly sum shall be payable by two equal half-yearly payments on such days in every year as shall be agreed upon by the Parties, or if no such
 40

20.
Lands
to be dis-
charged from
Tithe, and
Rent-charge
paid in lieu
thereof.

days are mentioned in that behalf, then on the Sixth day of April and Eleventh day of October in every year, the first payment being on the Sixth day of April next after the lands shall have been discharged from Tithe as aforesaid, in the nature of a Rent-charge issuing out of the lands agreed to be subject to the payment thereof; 5
and such Rent-charge may be recovered at the suit of the party entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned: Provided always, That nothing herein contained shall be taken to render any Person whomsoever personally liable to the payment of any such Rent-charge. 10

21.

Rent-charge
to be liable to
Parochial and
County Rates.

And be it Enacted, That every Rent-charge payable by virtue of any such Agreement as aforesaid, shall be subject to all Parliamentary, Parochial and County Rates and Charges, in like manner as Tithe.

22.

Parochial
Meetings may
be called, at
which Owners
of three-
fourths in
value may
make agree-
ments to bind
the whole
parish, if not
appealed from.

And be it Enacted, That any Tithe Owner or Tithe Owners, whose interest shall not be less than One-fourth part of the whole value of the 15
uncommuted Tithe of any Parish in *England* or *Wales* may call a general meeting of Land Owners within the limits of the Parish, by notice thereof in writing under his or their hand, to be affixed at least Twenty-one days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of 20
the Parish, and to be Twice at least, during such Twenty-one days, inserted in some newspaper generally circulated within the County in which such Parish is situated, for the purpose of making an Agreement for the general Commutation of Tithe within the limits of such Parish; and every Land Owner and Tithe Owner attending such 25
meeting shall bear his own expenses of attendance; and any Agreement made at such meeting which shall be agreed to and executed, either at or after such meeting, in person or by attorney, by the owner or owners whose interest shall not be less than Three-fourths of the whole value of the uncommuted Tithe, and by the owner or owners 30
whose interest shall not be less than Three-fourths of the whole value of the lands subject to Tithe, shall be binding upon all persons interested in the Tithe of such Parish, whether they shall have executed such agreement or not, and shall be subject to the same conditions and limitations as if made and executed by each of them severally in manner 35
hereinbefore mentioned in the case of contracts entered into by two or more owners of Lands or Tithe, except such persons only as shall appeal against the same in manner hereinafter mentioned: Provided always, That no agreement made at such general meeting shall affect any agreement previously made under the provisions of this Act. 40

23.

Assistant
Commissioners may
attend to ad-
vise terms of
agreement,

And be it Enacted, That any Tithe Commissioner, or Assistant Commissioner, if the Commissioners shall think fit, may attend such meetings for the purpose of taking part in the discussion, and advising on the

the terms of agreement ; and no Commissioner or Assistant Commissioner, during the time he is actually attending such meeting, shall have any of the powers herein committed to the said Commissioners, in cases of appeal or application for an award, as hereinafter mentioned.

- 5 And be it Enacted, That three copies of every Agreement made under this Act shall be forthwith sent by one of the parties, or when made at a General Meeting as hereinbefore provided, then by the Chairman of such meeting to the Tithe Commissioners ; who, in case the same shall relate to Ecclesiastical Tithe, shall send one copy authenticated by their seal to the Patron of the Benefice, and a like
10 authenticated copy to the Ordinary, and the confirmation of every agreement by the Patron and Ordinary respectively shall be made, by notice thereof in writing given to the Tithe Commissioners, under the hand and seal of such Patron and Ordinary respectively ; and
15 such consent shall be published in such manner as the Commissioners shall direct : Provided always, That it shall be lawful for the Commissioners under their hands and seal, after the expiration of One calendar month next after the sending of such authenticated copies, and after hearing any objection made within One month, on the part of the
20 Patron or Ordinary respectively, to confirm any such Agreement, although not confirmed by the Patron or Ordinary.

24.
Agreement to be made known to Commissioners ; consent of Bishop and Patron to be made known to Commissioners.

- And be it Enacted, That the owner of any Lands or Tithe within the limits of any Parish in which such general meeting shall have been had and such agreement executed, may within Three calendar
25 months next after such agreement shall have been duly executed and transmitted to the Tithe Commissioners, appeal to the said Commissioners, by writing under his hand, against being bound by such agreement, and no person so appealing shall be bound by such agreement ; and the Commissioners shall thereupon proceed to make and
30 confirm an Award touching the interest of the Appellant in the premises, as if no such agreement had been executed ; and on the decision of every such appeal, the Commissioners shall certify under their hands, by whom and in what proportions, if to be paid by more than one, the expenses occasioned by such appeal shall be paid : Provided
35 always, That if it shall appear to the Commissioners that there was no reasonable ground of appeal the Commissioners shall direct all such expenses to be paid by the Party appealing ; and upon the production of the certificate of the assessment of such expenses before any Two Justices of the Peace for the county, or other jurisdiction wherein the
40 Lands mentioned in the Appeal are situate, such Justices, upon non-payment thereof, are hereby required, by warrant under their hands and seals, to cause the same, and the costs of the distress, to be levied by distress and sale of the goods of the Party liable to pay the same.

25.
Appeals from Parochial Agreement may be made to Commissioners within three months ; Costs of Appeal how to be paid.

- And be it Enacted, That if no notice shall have been given of any such intended general meeting, or if no such meeting shall have
52. B been

26.
If no Agreement, Land Owner or Tithe Owner may

call on Commissioners for an Award.

been held at the time and place appointed, or if at any such general meeting, no Agreement shall have been made as aforesaid, any Land Owner or Tithe Owner, or any one of two or more joint Owners of Land or Tithe, may apply to the Tithe Commissioners for an Award as to his interest in Tithe or lands subject to Tithe, instead of such Agreement; and the Commissioners shall thereupon proceed to make and confirm such Award, and to assess and certify the expenses thereof, and by whom payable and in what proportions, and such expenses shall be recoverable, as in the case of an appeal against an agreement made at a general meeting: Provided nevertheless, that if notice shall be duly given of such intended general meeting, after any application to the Tithe Commissioners, the Commissioners, in consequence of such application, may suspend their proceedings, if they shall think fit, until the result of such notice shall appear.

27.
Award to be perpetually binding on all persons interested

And be it Enacted, That in every case of appeal or application for an Award, the Award to be made and confirmed by the Commissioners in manner hereinafter mentioned, shall be binding for ever on all persons interested in the said Land or Tithe, whether in possession, expectancy or reversion.

28.
Value of Tithes to be calculated upon an average of Seven Years.

And be it Enacted, That in the case of every such appeal or application for an Award, the Commissioners shall give notice thereof, in such manner as to them shall seem fit, and after the expiration of Twenty-one days after such notice shall have been given, shall proceed to ascertain the fair annual value of the Tithe payable in respect of Lands to be comprised in the said Award, according to the average rate and clear value of such Tithe during the Seven Years ending at Michaelmas next preceding the making of the said valuation, or in any case in which, by reason of such Lands not having been sooner brought into cultivation, Tithe shall not have been payable in respect thereof during the whole period of Seven Years, then according to the average rate and clear value of such Tithe during such less period of cultivation, that is to say, during such part (if any) of the said period of Seven Years or other less period of cultivation, during which such Tithe or any part thereof, or the Tithe of any part of such Lands, shall have been rendered and taken in kind, either to the Tithe Owner or to any other person, then so far as relates to such Tithe so taken in kind, according to the clear value thereof, after making all just deductions on account of the expenses of collecting, marketing or otherwise; and during such part (if any) of the said period of Seven Years or other less period of cultivation, during which such Tithe or any part thereof, or the Tithe of any part of such Lands, shall have been compounded for with the Occupier, or shall have been demised to him in consideration of any rent paid or agreed to be paid for the same, then as to such last-mentioned Tithe according to the amount of such Composition or Rent so agreed to be paid for the said Tithe, whether

157

whether such Composition or Rent has or has not been actually paid, and shall award the average value so ascertained as the sum to be taken for calculating a permanent Commutation of the said Tithe; Provided always, That in estimating the value of the said Tithe, the
 5 Commissioners shall estimate the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithe is liable; and whenever the said Tithe shall have been compounded for on the principle of such Composition being paid free from all such Rates, Charges and Assessments, or any part thereof,
 10 the said Commissioners shall have regard to that circumstance, and shall make a fair addition on account thereof.

Tithes to be
valued as
chargeable to
Parochial and
County Rates.

Provided always, and be it Enacted, That in case notice in writing under the hand of any Person interested in the said Award shall be given to the Commissioners, or Assistant Commissioner acting in
 15 that behalf, within Three calendar Months next after the first notice shall have been given as aforesaid, of the Commissioners having been appealed or applied to for an Award, that the sum paid or taken, or agreed to be paid or taken, for Tithe or by way of Composition for Tithe, upon an average struck during the said period of
 20 Seven Years, or other less period of cultivation as aforesaid does not fairly represent the sum which ought to be taken for calculating a permanent Commutation thereupon, the said Commissioners shall also ascertain, as nearly as may be, in manner aforesaid, (except with regard to hop-grounds, orchards, coppices and gardens, concerning which
 25 notice shall have been given as hereinafter provided), the average gross value of such Tithe, as if the same had been taken in kind during the whole said period of Seven Years, without having regard in the valuation to any such Composition or Agreement, and without making any deduction on account of the expenses of collecting, marketing or
 30 otherwise; and in every case in which the average sum paid or agreed to be paid during the last Seven Years, or other less period of cultivation, as aforesaid, (adding thereunto, if paid free from Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithe is liable, the amount of the same) shall
 35 appear to be less than Sixty Pounds for every hundred Pounds of the average value of the Tithe so estimated, if taken in kind, during the same period of Seven Years, the sum taken for calculating a permanent Commutation thereof shall be Sixty Pounds for every hundred Pounds of such value of the Tithe taken in kind; and in every case in
 40 which the average sum so paid, or agreed to be paid, shall appear to be more than Seventy-five Pounds for every hundred Pounds of such average value of the Tithe taken in kind, the sum taken for calculating a permanent Commutation thereof shall be Seventy-five Pounds for every hundred Pounds of such value of the Tithe taken in kind, and the average sum so paid or agreed to be paid, if more than Sixty Pounds

29.
Extreme cases
how to be
modified.

Disputed
Moduses, &c.
how to be
adjusted.

and less than Seventy-five Pounds for every hundred Pounds of such average gross value of the Tithe taken in kind, shall be taken without alteration for calculating a permanent commutation thereof: Provided nevertheless, That in every case in which due notice shall have been given to the Commissioners or Assistant Commissioner, as aforesaid, and in which it shall appear to the said Commissioners or Assistant Commissioner, that any question concerning any modus, prescriptive or customary payment, or composition real, or claim of exemption from, or non-liability to the payment of Tithe relating to the Lands in question, shall have been decided by competent authority since the beginning of the said period of Seven Years, the Commissioners, shall value the Tithes, and make their Award, as if such decision had been made at the beginning of the said period of Seven Years.

30.
How the Tithe
of Wood,
Hops, Fruit,
and Garden-
produce is to
be valued.

And be it Enacted, That in case any of the Lands to be comprised in the said Award shall be Hop-grounds, Orchards, Coppices or Gardens, and notice shall be given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, by some Person interested therein, that he is desirous that the Tithe thereof shall be separately valued, the Commissioners shall ascertain the value of the Tithe thereof according to the average rate of composition for the Tithe of Hops, Fruit, Coppice Wood and Garden-produce respectively during Seven Years ending at Michaelmas next before such valuation, within a district to be assigned in each case by the Commissioners.

31.
Provision for
the change of
culture of
Hop-grounds.

And be it Enacted, That all Lands, whereof the Tithe shall be commuted under this Act, which shall be newly cultivated as Hop-grounds at any time after such valuation, shall be charged with an additional sum of Fifteen Shillings per Acre over and above the amount of the Rent-charge charged thereon as herein provided, whilst not cultivated as Hop-grounds; such additional sum to be liable to all incidents, and recoverable and payable as the original Rent-charge charged upon such Lands: Provided always, That no such additional sum shall be charged or payable during the year next after such new cultivation, and half only of the said additional sum during the year next but one after such new cultivation, and that all Lands, whereof the Tithe shall have been separately valued as Hop-grounds in manner hereinbefore provided, and which shall cease to be cultivated as Hop-grounds at any time after such valuation, shall be charged from the Eleventh day of October next following the last crop of Hops grown on the said Lands, in lieu of the Rent-charge charged thereon as Hop-grounds, with the Rent-charge which, in the judgment of the Commissioners, shall appear to be the average rate of composition for Tithe within the said District, according to the nature and quality of the Land whereof the said Hop-grounds consist; and at the time

of

of valuing the Tithe of such Hop-grounds, the Commissioners shall fix in the manner herein provided, the Rent-charge to be charged on the Lands in case they cease to be cultivated as Hop-grounds.

And be it Enacted, That the Commissioners may employ such
 5 Land-surveyors and Tithe-valuers as to them shall seem fit, for the purpose of enabling them to make any award under this Act, and may order to be paid to them such reasonable compensation for their trouble, not exceeding the rate of Two Guineas, to every such person, for every day that he shall have been so employed, as to the said Com-
 10 missioners shall seem fit, and may assess the same as part of the costs of their Award; and the said Commissioners, and their agents or servants at all reasonable times, and upon giving reasonable notice to the tenant or tenants of the Lands in question, may enter upon any of the Lands to be included in such Award, and make an admeasurement,
 15 plan and valuation of the same, without being subject to any action or molestation for so doing: Provided always, That no Person employed as a Land-surveyor or Tithe-valuer by the said Commissioners, shall be capable of acting in such employ until he shall have made and sub-
 20 scribed before the said Commissioners or some Assistant Commissioner, the declaration hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person, instead of the word Commissioner, which declaration it shall be lawful for the said Commissioners or Assistant Commissioner to administer, and every such declaration so made and subscribed, shall be counter-
 25 signed by the Commissioners or Assistant Commissioner, before whom the same shall have been made, and shall be preserved among the records of the Commissioners.

32.
 Commis-
 sioners may
 employ Sur-
 veyors, and
 enter on Lands
 for the pur-
 pose of
 valuing Tithes

And be it Enacted, That as soon as such Admeasurement, Plan and Valuation shall have been made, the said Commissioners shall
 30 deposit the same at some convenient place within the said Benefice, for the inspection of all Persons interested in the said Lands or Tithes, and shall forthwith give notice, in such manner as to them shall seem fit, where such Admeasurement, Plan and Valuation may be in-
 35 spected; and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than Twenty-one days from the first giving of such notice) when and where they will attend to hear objections thereto; and the said Commissioners at such meetings as aforesaid shall hear and determine any objections which may be then and there made to the said Admeasurement or Plan
 40 or Valuation, or adjourn the further hearing thereof, if they shall think proper, to a future meeting, and may, if they shall see occasion, direct any further valuation of the Tithes, Lands or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings notice shall be given in

33.
 Proceedings
 of the Com-
 missioners on
 the Valuation.

manner hereinbefore directed with regard to the original meetings ; and when the said Commissioners shall have heard and determined all such objections, they are hereby required, if they shall see occasion, to cause such Admeasurement, or Plan or Valuation, or any statement respecting the same, to be altered.

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34.
Old Plans and
Surveys may
be used, if the
Commis-
sioners think
proper.

And be it Enacted, That the Commissioners may, if they think fit, use for the purposes of this Act, any Admeasurement, Plan or Valuation previously made of the Lands or Tithe in question, of the accuracy of which they shall be satisfied.

35.
Commis-
sioners to
determine
Disputes.

Subject to
Appeal by an
Issue at Law ;

And be it Enacted, That if any suit shall be pending touching the right to any Tithe, or if any difference shall arise touching any admeasurement, plan, valuation or award, or any thing relating thereunto respectively, the said Commissioners shall hear and determine the same, and their determination shall be final and conclusive on all persons concerned, subject to the provisions hereinafter contained : Provided always, That any person, claiming to be interested in any Lands, or in the Tithe thereof, who shall be dissatisfied with any such determination of the Commissioners, may cause an action to be brought in any of His Majesty's courts of law at *Westminster* against the person in whose favour such determination shall have been made, within Three calendar Months next after such determination shall have been notified in writing, in such manner as the Commissioners shall direct, to the parties interested therein, or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term, or at the assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such Lands, or the greater part thereof, are situated, with liberty nevertheless for the court in which the same shall have been commenced, or any Judge of His Majesty's courts of law at *Westminster*, to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so to do ; and every defendant in any such action shall enter an appearance thereto, and accept such issue ; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance, or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any judge of His Majesty's courts of law at *Westminster* ; and the plaintiff may proceed thereon, in like manner as if the defendant had appeared and accepted such issue ; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any Judge may order before trial, and also to the court and jury, upon the trial of any such issue, all books, deeds, papers and writings relating to the matters in issue, in their respective custody

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custody or power; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict which shall be given in any such action, or the judgment of the court upon the case, subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, That in case any such claim shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, the said Commissioners, at the request of the person dissatisfied with their determination (such request to be made in writing to the said Commissioners within Three calendar Months after the notification as aforesaid of such determination, and at least Fourteen Days previous notice in writing of such request, to be given in like manner to the other parties in difference, or to their known agents,) shall direct a case to be stated for the opinion of such one of His Majesty's courts of common law or equity at *Westminster*, as the Commissioners shall think fit, which case shall be settled by them, or under their direction, in case the parties differ about the same; and may be set down for argument, and brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein, and after such verdict given and not set aside by the court, or after such decision of the court, the said Commissioners shall allow or disallow such claim, according to such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court, and recovered in like manner as costs on judgments in actions or suits brought in such court: Provided also, That it shall be lawful for the parties interested, or in case such claim be of a general nature, for the Owner or Owners whose interest shall not be less than Three-fourths of the whole value of the Lands to which the same extends, to refer any such difference to arbitration, or to compound the same, so nevertheless that in case such claim concerns the interest of the Incumbent of the Benefice, such reference or composition be with the consent as well of the said Commissioners as of the Incumbent, Ordinary and Patron of the Benefice, signified under their respective hands and the official seal of the Ordinary; and the Award of the Arbitrators upon any such reference, and every such composition of any such claim shall be final and conclusive on all persons concerned, and shall be adopted by the Commissioners in making their Award.

Or by taking the Opinion of a Court of Law or Equity thereon.

Power to refer or compound disputed Rights.

36.

Proceedings
not to abate
by death of
parties.

And be it Enacted, That the proceeding of or before the Commissioners or in any action, or in any case stated, or reference in pursuance of this Act, shall not abate or cease by reason of the death of any person interested therein.

37.

In case of
Deaths of
Parties before
Actions
brought, &c.
the same to be
carried on and
defended in
their Names.

And be it Enacted, That if any person in whose favour any such determination as aforesaid shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner appointed for that purpose, with process and notices relating thereto, in the same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such determination as aforesaid, or in case of any such person being under legal disability, then for such person as may be nominated for that purpose by the Court of Chancery in a summary way, upon petition, to be preferred by or under the direction of the said Commissioners, and whom the court is hereby empowered to nominate upon the hearing of such petition, to appear and defend such action or argue such case, and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action, or the decision upon such case, as if such person had been living.

38.

Commis-
sioners may
require notice
of Agreements,
or Awards, to
be given to
Reversioner.

And be it Enacted, That in every case of agreement, appeal or application for an award by the Owner of an estate in Land or Tithe, less in the whole than an immediate estate of fee-simple or fee-tail, the Commissioners if they shall see fit, before confirming such agreement or award, may require notice thereof to be given in such manner as they shall direct to the Person next in remainder, reversion or expectancy of such estate, and may hear and determine any objection made to such confirmation by any Person interested therein.

39.

Award of the
Commis-
sioners.

And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such differences, if any, shall have been finally determined, the said Commissioners shall make an Award in writing under their hands concerning the premises, containing all the particulars hereinbefore directed to be inserted in agreements executed under this Act: Provided always, That no such Award shall be of any force until it shall have been confirmed by writing under the hands and seal of the said Commissioners; and at any time previous to such confirmation, the Commissioners, by writing under their hands and seal, may revoke any such Award, and no Award so revoked shall be of any

any force, but the Commissioners shall thereupon proceed to make a new Award touching the premises as hereinbefore directed ; but no such revocation shall annul or affect any proceeding had previous to the execution of such Award, unless so specially directed by the
 5 said Commissioners in the deed of revocation; and Three copies of every Award and Agreement under this Act confirmed by the Commissioners shall be made, and sealed with the seal of the said Commissioners ; and one such copy shall be sent to the Clerk of the Peace for the county within which the Lands whereof the Tithe has been so
 10 commuted, or the greatest part thereof, are locally situated, to be kept by him amongst the records of his office, another such copy shall be deposited in the Registry of the Diocese within which the Lands are situated, to be there kept among the records of the said Registry ; and the other copy in the case of Ecclesiastical Tithe shall be deposited
 15 with the Incumbent and Church or Chapel Warden of the Benefice for the time being, or such other fit person as the Commissioners shall approve, to be kept by him and his successors in office with the public books, writings and papers of the Benefice, and all persons interested therein may have access to, and be furnished with copies of
 20 or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every folio of Seventy-two words contained in such copy or extract ; and every recital in or plan annexed to such confirmed Award or
 25 Agreement, or sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited, and of the accuracy of such plan.

Transcripts of the Award to be sent to the Clerk of the Peace, to the Registrar of the Consistory Court of the Diocese, and to the Incumbent and Minister and Churchwardens.

And be it Enacted, That if any owner of Lands or Tithe who is a party to such Award, shall be desirous that the Rent-charge to be awarded by the said Commissioners, by way of commutation for any
 30 Tithe as aforesaid, should be separately apportioned among several Closes in respect of the Tithe, the Commissioners are hereby required, upon the request of any such party at any time previously to the making of the said Award, to apportion in their Award the amount of Rent-charge to be charged upon each of the several Closes or other portions
 35 of Land, the Tithe whereof shall have been so commuted, or on any one or more of them exclusively of the other or others of them ; and thereupon each of such Closes or other portions of Land shall be chargeable with the share only of Rent-charge awarded in respect of the same : Provided always, That the extra costs of every such special
 40 Apportionment, shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the said Award are recoverable ; and that no close of Land shall be exclusively charged with any Rent-charge or share of Rent-charge, on account of the Tithe of any other lands, unless the same shall be at least double the value of the whole Rent-charge upon such Lands.

40.
Rent-charge may be apportioned on the separate Fields and Closes.

41.
Owners of
particular
Estates may
charge the
Costs on the
Estate for
Twenty Years

And be it Enacted, That every owner of an Estate in Land or Tithe less in the whole than an immediate Estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the Commissioners, and in such manner as they may direct, charge so much of the expenses of Commutation as is to be defrayed by him, or any part thereof, upon the Lands whereof the Tithe is commuted, or upon the Rent-charge to be received by him instead of such Tithe respectively, but so nevertheless that the charge upon such Lands or Rent-charge respectively, shall be lessened in every year following such commutation by One-twentieth part at least of the whole original charge thereon. 5 10

42.
Costs of
Ecclesiastical
Tithe Owners
may be
charged on the
Benefice for
Twenty Years

And be it Enacted, That every Ecclesiastical beneficed Person who shall commute the Tithe of his Benefice under this Act, may borrow the sum necessary to defray so much of the expenses of Commutation as is to be defrayed by him or any part thereof, and as a security for repayment, may assign the rent-charge to be received instead of such Tithe for Twenty-five years, or until the principal sum borrowed, the interest and costs thereof shall be sooner paid, and every incumbent successively shall pay the interest of the sum borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One calendar month next following, and also an instalment at the rate of Five Pounds for every hundred Pounds of the principal sum borrowed, and in default of such payment the Ordinary may sequester the profits of the Benefice until such payments shall be made. 15 20

43.
Comptroller
of Corn Re-
turns to pub-
lish Average
Price of Corn.

And be it Enacted, That immediately after the passing of this Act, and also after the Twenty-ninth day of September and before the Eleventh day of October One thousand eight hundred and Thirty-six, and in every succeeding year, the Comptroller of Corn Returns for the time being, or such other Person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the London Gazette, stating what has been during Seven Years, ending on the Thursday next before the Twenty-ninth day of September then next preceding, the Average Price of *British* Wheat, Barley and Oats, computed from the weekly Averages of the Corn Returns. 25 30

44.
Contracts to
be deemed as
entered into
according to
the average
price of Corn.

And be it Enacted, That every Rent-charge agreed or awarded to be paid by any such Agreement or Award, shall be deemed at the time of the entering into such Agreement, or the confirmation of such Award, to be of the Value of such number of Bushels and decimal parts of a Bushel of Wheat, Barley and Oats as the same would have purchased at the Prices so ascertained, by the Advertisement published next before the making of such Agreement, or confirmation of such Award, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase 35 40

purchase of Barley, and the remaining Third part thereof in the purchase of Oats ; and after every following Eleventh day of October, the sum of money thenceforth payable shall vary, so as always to consist of the price of the same number of Bushels and decimal parts of a
 5 Bushel of Wheat, Barley and Oats respectively, according to the prices ascertained by the then next preceding Advertisement, and any Person entitled from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof, as are herein contained concerning the original Rent-charge.

10 And be it Enacted, That any Tenant or Occupier paying such Rent-charge shall be entitled to deduct the amount thereof, from the Rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

45.
 Tenant paying Rent-charge to be allowed the same in account with his Landlord.

And be it Enacted, That in case the said Rent-charge shall at any
 15 time be in arrear and unpaid for the space of Twenty-one days next after any half-yearly day of payment, it shall be lawful for the Person entitled to the same, after having given or left Ten days' Notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part
 20 thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for arrears of Rent reserved on a common lease for years: Provided, That not more than Two years' arrears shall at any time be recoverable by distress.

46.
 When Rent-charge is in arrear for 21 days after quarterly days of payment, the person entitled thereto may distrain.

25 And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of Forty days next after any half-yearly day of payment, it shall be lawful for the Person entitled to the same, although no legal demand shall have been made for the same, to enter upon and hold the lands charged with the same or any
 30 part thereof, and to take the rents, issues and profits thereof to his own use, until he shall be fully paid and satisfied the said Rent-charge, and all arrears thereof due at the time of such entry, or during the time of his being in possession, or in receipt of the rents and profits of the premises, with all expenses which he may sustain or be
 35 put to by reason of the non-payment of the said Rent-charge, or any part thereof or of such entry and occupation: Provided always, That nothing herein contained shall be taken to empower any Person so entering, to commit any wilful waste on the said Lands: Provided also, That not more than Two years arrears over and above the time of
 40 such possession, shall be at any time so recoverable.

47.
 When Rent-charges are in arrear for 40 days after half-yearly days of payment, the Persons interested may enter into possession of the Lands.

Provided always, and be it Enacted, That in every case of an agreement or award, made and confirmed under this Act, and notwithstanding

48.
 Powers of Distress and Entry to extend to all

Lands within the Benefice occupied by the Owner, or under the same Landlord or holding.

any apportionment which may have been made of any Rent-charge, every part of any lands forming the subject of such agreement or award which shall at any time be occupied by the owner thereof, or by the same person under one landlord, or one holding, shall be liable to be distrained upon or entered as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether chargeable on the lands on which such distress is taken, or such entry made, or upon any other part of the lands so occupied or held. 5

49.
Apportionment of Rent-charge, on death or removal of Incumbent.

Provided always, and be it Enacted, That upon the death, resignation or removal of the Incumbent of any parish, or of any other Person entitled to any such Rent-charge, or any part thereof, every such Incumbent, and executors, administrators or assigns of every such Incumbent or Person shall be entitled to so much of the Rent-charge payable to such Incumbent or other Person as shall be in proportion to the number of days that have elapsed since the half-yearly day of payment next preceding the death, resignation or removal of such Incumbent or other Person, and shall be entitled to all the remedies herein mentioned for enforcing payment of such Rent-charge or any part or arrear thereof. 10 15

50.
Advertisements, Contracts and Awards not to be liable to Stamp Duty,

And be it Enacted, That no Advertisement inserted by direction of the Commissioners or by any Tithe Owner in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award or power of attorney, made or confirmed or used under this Act, shall be chargeable with any stamp duty. 20 25

51.
Contracts for the Composition of Tithe subsisting and Tithes due before this Act, not to be affected.

And be it Enacted, That no Commutation for Tithe which shall be effected by virtue of this Act, shall be taken to affect any Contract by way of Composition for Tithe which at the time of such Commutation taking effect may be subsisting between any Tithe Owner and the Occupier of any land liable to Tithe, without the consent of all the parties to such subsisting contract, and nothing in this Act contained shall affect any right to any Tithe which shall have become due before the Commutation 30

52.
Act not to extend to Easter Offerings, &c. or to payments instead of Tithes in London, or to permanent Rent-charges by custom or Act of Parliament.

And be it Enacted, That nothing in this Act contained shall extend to any Easter Offerings, Mortuaries or Surplice Fees, or to the Tithe of fish, or of fishing, or to the Tithe of mills or any Personal Tithe, or to any mixed Tithe not arising upon land, or any mineral Tithe, or to any Payment instead of Tithe, arising or growing due within the City of *London*, or to any permanent Rent-charge or other Rent or payment in lieu of Tithe, calculated according to any rate or proportion in the pound on the Rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements, 35

tenements, the Tithe whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

And be it Enacted, That if any Person, under the provisions of this
 5 Act, shall wilfully give false Evidence, or shall make or subscribe a false Declaration, he shall be deemed guilty of Perjury; and if any Person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give
 10 evidence, or shall wilfully alter, withhold, destroy or refuse to produce any books, contracts, agreements, accounts and writings, or copies of the same, which may be so required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

53.
False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

And be it Enacted, That the said Commissioners may receive and
 15 send by the General Post from and to places in *England* all Letters and Packets relating exclusively to the execution of this Act, free from the duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "*English Tithe Commissioners*," at their Office in *London*, and that all such Letters
 20 and Packets as shall be sent by the said Commissioners shall be in covers, with the words "*English Tithe Commissioners*" printed on the same, and be signed on the outside thereof under such words with the Name of such Person as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any Three or more of
 25 them shall appoint, in his own hand-writing (such Name to be from time to time sent to the Secretary of the General Post Office in *London*, and to be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the Person so to be appointed
 30 shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act; or if the Person so to be appointed, or any other Person, shall send or cause to be sent under any such cover any Letter,
 35 Paper or Writing, or any Enclosure other than shall relate exclusively to the execution of this Act, every Person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office, one Moiety of such Penalty to be paid to the use of His Majesty, His heirs and successors, and the other Moiety to the use of the
 40 Person who shall inform or sue for the same; to be sued for and recovered in any of His Majesty's courts of record in *Westminster*.

54.
Correspondence of Commissioners, relating to this Act, to be free of Postage.

And be it Enacted, That this Act shall extend only to *England*.

55.
Limits of Act

Tithes Commutation.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Commutation of Tithes in *England*.

(Prepared and brought in by
Lord John Russell, Lord Viscount Howick,
and Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed
25 February 1836.



A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For the Commutation of Tithes in *England* and *Wales*.

WH E R E A S it is expedient to amend the Laws relating to Tithe in *England* and *Wales*, and to provide the means for an adequate compensation for Tithe, and for the commutation thereof; **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint Two fit persons to be Commissioners to carry this Act into execution, and from time to time at pleasure to remove them, or either of them, and that it shall be lawful for the Archbishop of *Canterbury*, under his hand and archiepiscopal seal, to appoint One fit person to be a Commissioner to carry this Act into execution, and from time to time at pleasure to remove the Commissioner so appointed by him; and upon every vacancy in the Office of Commissioner some other fit person shall be appointed to the said Office, in the same manner and by the same authority as the Commissioner whose vacancy is thereby supplied; and until such appointment, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.
Appointment
of Commis-
sioners.

And be it Enacted, That the said Commissioners shall be styled "THE TITHE COMMISSIONERS FOR ENGLAND AND WALES," and shall have their office in *London* or *Westminster*; and they, or any Two of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Agreements

2.
Style of Com-
missioners.

To have Com-
mon Seal.

Awards, &c.
purporting to
be sealed with
Seal of Com-
missioners, to
be received as
Evidence.

and Awards confirmed by the said Commissioners in pursuance of this Act; and all such Agreements and Awards, and other instruments proceeding from the said Board, or copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received in evidence, without any further proof thereof; and no Agreement or Award shall be of any force, unless the same shall be sealed or stamped as aforesaid. 5

3.
Commission-
ers to report
to Secretary
of State, An-
nual Report
to be laid be-
fore Parlia-
ment.

And be it Enacted, That the said Commissioners shall from time to time give to any One of His Majesty's Principal Secretaries of State, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall Once in every year send to one of the Principal Secretaries of State a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next Meeting thereof. 10 15

4.
Power to
appoint As-
sistant Com-
missioners,
Secretary, and
Assistant Se-
cretary.

And be it Enacted, That it shall be lawful for the Commissioners, subject to the approval of one of His Majesty's Principal Secretaries of State, from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a Secretary and Assistant Secretary, and with the like approval, to remove such Assistant Commissioners, Secretary or Assistant Secretary, or any of them, and on any vacancy in any of the said Offices to appoint, subject to the like approval, some other Person to the vacant Office, and the persons so appointed shall assist in carrying this Act into execution, at such places and in such manner as the said Commissioners may direct. 20 25

5.
Commission-
ers not to sit
in the House
of Commons.

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid, shall, during his continuance in such Office, be capable of being elected, or of sitting as a Member of the House of Commons. 30

6.
Lords of the
Treasury to
appoint Clerks,
and other
Officers.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, may, on application by the said Commissioners, from time to time appoint all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time remove such Clerks, Messengers and Officers, or any of them, and appoint others in their stead. 35

7.
Operation of
Act as to ap-
pointment of
Commission-
ers, &c.
limited to
Five Years.

And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer period than Five Years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration 40

expiration of the said period of Five Years, and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

And be it Enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salaries of the Secretary, Assistant Secretary, Clerks, Messengers and other Officers to be appointed under this Act, shall be from time to time regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any Three of them : Provided always, That the Salary of a Commissioner shall not exceed the sum of Pounds a year, nor the Allowance to an Assistant Commissioner the sum of Pounds for every day that he shall be actually employed, or travelling in the performance of the duties of his office ; nor the Salaries of the Secretary or Assistant Secretary the sum of Pounds a year ; and that the Salaries of the Clerks, Messengers and other Officers shall be in fit proportion : Provided also, That the said Lord Treasurer or Lords Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger or other Officer, any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his Salary or Allowance respectively.

8.
Salaries of, and Allowances to, Commissioners and Assistant Commissioners, Secretary and other Officers.

And be it Enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his Office, make the following Declaration before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer ; (that is to say)

9.
Commissioners and Assistant Commissioners to make a Declaration.

" I, A. B., do declare, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, fulfil all the Powers and Duties of a Commissioner [or, Assistant Commissioner, *as the case may be,*] under an Act passed in the sixth year of the reign of King WILLIAM the Fourth, intituled, [*here set forth the Title of this Act.*]"

Form of Declaration.

And the Appointment of every such Commissioner and Assistant Commissioner, with the time when, and the name of the Judge or Baron before whom he shall have made the declaration aforesaid, shall be forthwith published in the *London Gazette*.

Notification of appointment to be published in the Gazette.

And be it Enacted, That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the Commutation of Tithe, and also

10.
Commissioners or Assistant Commissioners may summon and examine Witnesses.

make any inquiries, and call for any answer or returns as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans and surveys, or copies thereof respectively, in anywise relating to any such matter; or in lieu of requiring such oath as aforesaid, the said Commissioners, or Assistant Commissioner, may require any such person to make and subscribe a declaration of the truth of his examination: Provided always, That no such person shall be required, in obedience to any such summons, to travel more than Ten Miles from the place of his abode, or to produce any deeds, papers or writings relating to the title of any Lands or Tithes. 5 10

11.

Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners as the said Commissioners shall think fit; (except the power to confirm Agreements and Awards, or to frame forms of agreements and other instruments as hereinafter provided, or to do any act herein required to be done under the seal of the said Commissioners) and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner. 15 20 25

12.

Meaning of the words "Person," "Owner," "Lands," "Tithes," "Parish," "Parochial," as used in this Act.

And be it Enacted, That in the construction and for the purposes of this Act the word "Person" shall mean and include The King's Majesty, and any body corporate, aggregate or sole, as well as an individual; and any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only, shall mean and include a female as well as a male, unless there be something in the subject or context repugnant to such construction; and the word "Lands" shall mean and include all messuages, lands, tenements and hereditaments; and the word "Tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "Parish" and "Parochial" shall mean and include every extra-parochial place, and every district of which the Tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel; and the words "Land Owner" or "Tithe Owner" or "Owner of Lands" or "Owner of 30 35 40

of Tithes" shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any Lands or Tithes (except any Tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any Tenant for years whatsoever, holding under a lease or agreement for a lease for a term which shall not have exceeded Fourteen Years from the commencement thereof), and that without regard to the real amount of interest of such person; and in every case in which any Tithes or Lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded Fourteen Years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease, shall, jointly with the person who shall be in the actual possession or occupation of such Tithes or Lands, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any Tithes or Lands under any sequestration, extent, elegit or other writ of execution, or as a receiver under any order of a Court of Equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession, by virtue of such writ or order be deemed for the purposes of this Act to be the Owner of such Tithes or Lands.

And be it Enacted, That whenever the Ownership of any Lands or Tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty's Woods, Forests and Land Revenues for the time being, or in case such Lands or Tithes shall be vested in His Majesty, in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Chancellor of the Duchy of *Lancaster* or the Officers of the Duchy of *Cornwall*, entitled to grant Leases of Lands parcel of the Duchy of *Cornwall*, shall, for the purposes of this Act, be substituted instead of the Owner of such Lands or Tithes respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is of the yearly value of Twenty Pounds or upwards in the King's Books, and where such value is below the value of Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, That if such patronage is vested in His Majesty in right of the Duchy

13.
When Ownership of Lands or Tithes or Patronage is vested in the Crown, who to be deemed the Owner, or Patron.

of *Lancaster* or the Duchy of *Coriwall*, the respective Chancellors for the time being of such Duchies shall for the purposes of this Act be substituted instead of the Patron.

14.
When the same Person is Owner of Lands and Owner of Tithes, he may be dealt with in both characters.

And be it Enacted, That whenever any person shall be at the same time Owner of any Lands and Owner of any Tithes comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being Owner of any Lands or of any Tithes, shall also be Patron of the Benefice to which the Tithes in question may belong, such person, in relation to such Agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid. 5 10

15.
In case Patron or Owner is under legal disability, who to act.

And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any Tithes shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such Patron, Owner, or person so interested. 15 20

16.
Acts may be done by Agents.

And be it Enacted, That all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent of such person, unless there be something in the subject or context repugnant to such construction. 25

17.
Proportional interest in Lands and Tithes, how to be estimated for the purposes of this Act.

And be it Enacted, That every proportional interest of the Owners of Lands or Tithes under the provisions of this Act, shall be estimated according to the proportional sum at which such Lands or Tithes shall be rated to the relief of the poor, or if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor. 30

18.
Parochial Meetings may be called, at which Owners of Two-thirds in value may agree on the sum to be paid to the Tithe Owners, which shall bind the whole Parish.

And be it Enacted, That any one or more of the Land Owners or Tithe Owners, whose interest respectively shall not be less than One-fourth part of the whole value of the Lands subject to Tithes, or One-fourth part of the whole value of the Tithes of any Parish in *England* or *Wales*, may call a parochial meeting of Land Owners and Tithe Owners within the limits of the Parish, by notice thereof in writing under his or their hand, to be affixed at least Twenty-one Days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the Parish, and to be Twice at least, during such Twenty-one Days, inserted in some newspaper generally circulated within the county in which such Parish is situated, for 35 40

for the purpose of making an agreement for the general Commutation of Tithes within the limits of such Parish; and every Land Owner and Tithe Owner attending such meeting shall bear his own expenses of attendance; and the Land Owners and Tithe Owners who shall
 5 be present at any such meeting called as aforesaid, and whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish, may proceed to make and execute a parochial agreement for the
 10 payment of an annual sum by way of rent-charge, variable as hereinafter provided, instead of the Great and Small Tithes of the Parish collectively, or instead of the Great Tithes and Small Tithes severally to the respective Owners thereof in the said Parish; and every agreement so made and executed and confirmed in manner hereinafter
 15 mentioned shall be binding on all persons interested in the Tithes or Lands subject to Tithes of the said Parish.

And be it Enacted, That the majority of such Land Owners and Tithe Owners present at every such meeting shall elect a Chairman, who shall forthwith proceed to ascertain the interest of the Land Owners and
 20 Tithe Owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an Agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number
 25 of the persons then present to make and execute a provisional Agreement for the commutation of Tithes of the like form and tenor; and every such provisional Agreement which shall be executed within Six calendar Months from the day of the first making thereof by the Land Owners and Tithes Owners, whose interest in the Lands and Tithes
 30 of the Parish shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the Agreement was first made, and otherwise shall be of no force or effect
 35 whatsoever.

19.
Provisional
Agreements
may be
made at the
Parochial
Meetings.

And be it Enacted, That in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the Chairman shall adjourn the meeting to any time and place then by him to be declared, and notice of every
 40 adjourned meeting shall be given under the hand of the Chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

20.
Meeting
may be
adjourned.

21.
Form of
Parochial
Agreement.

And be it Enacted, That every such Agreement shall bear date on the day on which the first signature is attached thereto, and every such Agreement or some Schedule thereunto annexed shall set forth all the Lands of the said Parish which are subject to the payment of any kind of Tithes, and also the true or estimated quantity in statute measure of Land subject to Tithes within the Parish, which shall be then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall also set forth whether any Modus or Composition real or prescriptive or customary payment, shall be payable instead of all or any of the Tithes of the said Parish, and which Lands or Tithes respectively are covered thereby, and shall also set forth which of the said Tithes, Moduses, Compositions or Payments are payable to the several Tithe Owners in the said Parish, and whether any and which of the Lands of the said Parish are under any and what circumstances exempt from the payment of Tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided), instead of the Tithes of the Lands comprised in the said agreement; and instead of all Moduses and Compositions real, prescriptive and customary payments (if any) payable in respect of such Lands, or any of them.

22.
Commissioners to
frame and
circulate
Forms of
Agreements,
&c.

And be it Enacted, That the Commissioners shall frame and cause to be printed as soon as conveniently may be after their appointment, Forms of Notices and Agreements, and such other Instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the Churchwardens and Overseers of any parish who may require the same, or to whom the Commissioners may think fit to send the same, for the use of any Land Owner or Tithe Owner desirous of putting this Act in execution.

23.
Commissioner or
Assistant
Commissioner may
attend to advise
terms of
Agreement.

And be it Enacted, That any Commissioner or Assistant Commissioner, if the Commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no Commissioner or Assistant Commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the Commissioners, in case of an award or apportionment by the Commissioners, as hereinafter provided.

24.
Suits and differences may
be referred to
Arbitration.

And be it Enacted, That if any Suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Payment, or any claim of exemption from or non-liability to Tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such

such agreement shall be hindered, it shall be lawful for the Owners, or if there shall be no Owner actually in possession, for the persons claiming to be the Owners of the Lands and Tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's Courts of Record, upon such terms of reference as the parties may agree upon, and the decision of the Arbitrator or Arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons.

And be it Enacted, That every Agreement for the commutation for a Rent-charge of the Tithes of any Lands which shall be pending at the time of the passing of this Act, and which shall be executed within Six calendar Months after the passing of this Act by the Land Owners and Tithe Owners, or persons claiming to be such Owners, whose interest in the said Lands and Tithes shall not be less than Two-thirds of the said Lands, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the said Lands, and which shall be confirmed by the Commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any Parochial Agreement, shall be as valid, and the rent-charge agreed to be paid by any such Agreement shall be apportioned and charged, as hereinafter provided, among and upon the said Lands, as if the Agreement had been made and executed at a parochial meeting.

25.
Agreements pending at the time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as parochial agreements.

Provided always, and be it Enacted, That in every case in which any Tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such Tithes made and executed under this Act shall be deemed to be executed by the Owner of such Tithes, unless such consent thereto be given as is hereinafter mentioned; (that is to say) in the case of an Archbishop or Bishop, the consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the Incumbent of any other benefice or ecclesiastical dignity, the consent of the Patron or person entitled to present to such benefice or dignity, in case the same were then vacant, and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

26.
Consent of Patron to be given to every Agreement for Commutation of Ecclesiastical Tithe.

And be it Enacted, That every such Agreement, as soon as may be after it shall have been executed by a sufficient number of Land Owners and Tithe Owners whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the great Tithes, and Two-

27.
Agreement to be confirmed by the Commissioners.

thirds of the small Tithes, shall be sent by the Chairman of the Meeting, or by the person in whose custody it shall then be, to the office of the Commissioners, and the Commissioners, by themselves, or by some assistant Commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the parties by whom the same shall have been executed have an absolute estate in the Lands or Tithes comprised in the Agreement, and shall satisfy themselves whether or not the Agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the Agreement under their hands and seal, and shall add to such Agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in such manner as to them shall seem fit, and every such confirmed Agreement shall be binding on all persons interested in the said Lands or Tithes.

28.
Appointment
of Valuers.

And be it Enacted, That at the said meeting, or at some adjournment thereof, or at some other parochial meeting, to be called in like manner, either before or after the confirmation of the Agreement, the Owners of Lands subject to Tithes in the said Parish, or their agents present at the meeting, shall appoint Two Valuers, one to be chosen by a majority in respect of number, and the other by a majority in respect of interest of such Land Owners then present: Provided always, That the same person may be chosen by each majority.

29.
Valuers to ap-
portion the
Rent-charge.

And be it Enacted, That as soon as may be after the choosing of such Valuers, and after the confirmation of the said Agreement, the Valuers so chosen shall apportion the total sum agreed to be paid by way of rent-charge instead of Tithes, and the expenses of the apportionment, amongst the several Lands in the said Parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the Valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the Valuers, then in proportion to the average produce and value of the Lands according to the discretion and judgment of the Valuers, but subject in each case to the provisions hereinafter contained, and so that in each case the several Lands shall have the full benefit of every Modus and Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said lands respectively, and having regard to the several Tithes to which the said Lands are severally liable; provided that if the said Valuers, when more than One is chosen, shall not agree with respect to the apportionment, or any part thereof, it shall be lawful for them, by any writing under their hands, to appoint an umpire, and the decision of the umpire

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umpire on the questions in difference between the Valuers shall be binding on them, and shall be adopted by them in the apportionment.

And be it Enacted, That the said Valuers and Umpire (if appointed) 5 and their agents or servants at all reasonable times may enter upon any of the Lands to be included in the apportionment, and make an admeasurement, plan and valuation of the same, without being subject to any action or molestation for so doing: Provided always, That no Valuer or Umpire shall be capable of acting until he shall have 10 made and subscribed before the said Commissioners, or some Assistant Commissioner or Justice of the Peace, the declaration hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person instead of the word Commissioner, and adding to his signature the usual place of his residence, which 15 declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice to administer, and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the Commissioners.

30.
Valuers may enter on Lands for the purpose of valuing Tithes.

And be it Enacted, That the Valuers or Umpire may, if they think 20 fit, use for the purposes of this Act, any Admeasurement, Plan or Valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied.

31.
Old Plans and Surveys may be used, if the Valuers think proper.

And be it Enacted, That after the First day of October One thou- 25 sand eight hundred and Thirty-seven, the Commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total sum to be paid by way of Rent-charge instead of the Tithes of every Parish in *England* and *Wales* 30 in which no such agreement binding upon the whole Parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, That if any proceeding shall be had towards making and executing any such agreement after the Commissioners shall have given, or caused to be given, notice of their intention to act as 35 aforesaid in such Parish, the Commissioners may refrain from acting upon such notice if they shall think fit, until the result of such proceeding shall appear,

32.
After 1st of October 1837, Commissioners may ascertain total value of Tithes in any Parish in which no previous Agreement made.

And be it Enacted, That in every case in which the Commissioners shall intend making such Award, notice thereof shall be given in 40 such manner as to them shall seem fit, and after the expiration of Twenty-one Days after such notice shall have been given, the Commissioners, or some Assistant Commissioner, shall proceed to ascertain

33.
Value of Tithes to be calculated upon an average of Seven Years.

the fair annual value of the Tithes payable in respect of Lands in the said Parish, according to the average rate and clear value of such Tithes or the composition (if any) in lieu of Tithes, during the Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, that is to say, during such part (if any) of the said period of Seven Years during which such Tithes, or any part thereof, or the Tithes of any part of such Lands, shall have been rendered and taken in kind, either to the Tithe Owner or to any other person, then so far as relates to such Tithes so taken in kind, according to the clear value thereof, after making all just deductions on account of the expenses of collecting, marketing or otherwise; and during such part (if any) of the said period of Seven Years during which such Tithes, or any part thereof, or the Tithes of any part of such Lands, shall have been compounded for with the Occupier of such Lands, or shall have been demised to him in consideration of any Rent paid or agreed to be paid for the same, then as to such last-mentioned Tithes according to the amount of such Composition or Rent so agreed to be paid for the said Tithes, including therein all unremitted arrears thereof, and shall award the average value so ascertained as the sum to be taken for calculating the Rent-charge, to be paid as a permanent Commutation of the said Tithes: Provided always, That in estimating the value of the said Tithes, the Commissioners, or Assistant Commissioner, shall estimate the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithes are liable; and whenever the said Tithes shall have been compounded for on the principle of such Composition being paid free from all such Rates, Charges and Assessments, or any part thereof, the said Commissioners or Assistant Commissioner shall have regard to that circumstance, and shall make a fair addition on account thereof.

Tithes to be valued as chargeable to Parochial and County Rates.

34.
Extreme cases how to be modified.

Provided always, and be it Enacted, That in case notice in writing under the hands of any Land Owners or Tithe Owners whose interest in the Lands or Tithes of the Parish shall not be less than One-half of the Lands subject to Tithes, One-half of the Great Tithes or One-half of the Small Tithes of the Parish shall be given to the Commissioners, or Assistant Commissioner acting in that behalf, within One calendar Month next after the notice of the intention to make an Award shall have been given as aforesaid, that the average value to be ascertained as last aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent Commutation of the Tithes of the said Parish, the said Commissioners or Assistant Commissioner shall also ascertain, as nearly as may be, in manner aforesaid, (except with regard to Hop-grounds, Orchards, Coppices and Gardens, concerning which notice shall have been given as hereinafter provided), the average gross value of such Tithes, as if the same had been taken in kind during the whole said period of Seven Years, and without making any deduction on account of the expenses of collecting, marketing

marketing or otherwise; and in every case in which the average sum paid or agreed to be paid during the last Seven Years, (including therein all unremitted arrears, and adding thereunto, if paid free from Parliamentary; Parochial, County and other Rates, Charges and Assessments to which Tithes are liable, a fair addition on account thereof), shall appear to be less than Sixty Pounds for every hundred Pounds of the average value of the Tithes so estimated, if taken in kind during the same period, the sum taken for calculating a permanent Commutation thereof shall be Sixty Pounds for every hundred Pounds of such value of the Tithes taken in kind; and in every case in which the average sum so paid, or agreed to be paid, shall appear to be more than Seventy-five Pounds for every hundred Pounds of such average value of the Tithes taken in kind, the sum taken for calculating a permanent Commutation thereof shall be Seventy-five Pounds for every hundred Pounds of such value of the Tithes taken in kind; and the average sum so paid or agreed to be paid, if more than Sixty Pounds and less than Seventy-five Pounds for every hundred Pounds of such average gross value of the Tithes taken in kind, shall be taken without alteration for calculating a permanent Commutation thereof.

And be it Enacted, That in case any of the Lands in the Parish shall be Hop-grounds, Orchards, Coppices or Gardens, and notice shall be given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average rate of composition for the Tithes of Hops, Fruit, Coppice Wood and Garden produce respectively during Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, within a district to be assigned in each case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the Parish, ascertained as aforesaid.

35.
How the Tithe of Wood, Hops, Fruit, and Garden produce is to be valued.

And be it Enacted, That if any Modus or Composition real, or prescriptive or customary Payment shall be payable instead of the Tithes of any of the Lands or produce thereof in the said Parish, the Commissioners or Assistant Commissioner shall in such case estimate the amount of such Modus, Composition or Payment as the Tithes payable in respect of such Lands or produce respectively, and shall add the amount thereof to the value of the other Tithes of the Parish ascertained as aforesaid, and shall also take account of all exemptions from or non-liability to Tithes of any Lands, or any part of the produce of such Lands: Provided also, That if it shall appear to the said Commissioners or Assistant Commissioner, that any question concerning any Modus or Composition real, prescriptive or customary Payment,

36.
Moduses, &c. how to be allowed for in the Award.

or claim of exemption from or non-liability to the payment of Tithes relating to the Lands in question, shall have been decided by competent authority before the making of the said Award, the Commissioners or Assistant Commissioners shall value the Tithes, and make their Award, as if such decision had been made at the beginning 5 of the said period of Seven Years.

37.
Commissioners may hear and determine disputes.

And be it Enacted, That if any suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Payment, or any claim of exemption from, or non-liability, under any circumstances, to the payment of any Tithes in respect of any Lands or any kind of produce, or touching the situation or boundary of any Lands, or if any difference shall arise whereby the making of any such Award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner 10 to appoint a time and place in or near the Parish for hearing and determining the same; and in every such case the Commissioners or Assistant Commissioner shall have all the powers of any Arbitrators named in any submission to reference of any such suit or difference as hereinbefore provided; and the decision of the Commissioners or Assistant Commissioner shall be final and conclusive on 15 all persons, subject to the provisions hereinafter contained. 20

38.
Subject to Appeal by an Issue at Law.

Provided always, and be it Enacted, That any person claiming to be interested in any Lands, or in the Tithes thereof, who shall be dissatisfied with any such decision of the Commissioners or Assistant Commissioner, may, if the yearly value of the payment to be made or withholden according to such decision shall exceed the sum of Twenty Pounds, cause an action to be brought in any of His Majesty's courts of law at *Westminster* against the person in whose favour such decision shall have been made, within Three calendar Months next 25 after such decision shall have been notified in writing, in such manner as the Commissioners or Assistant Commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue 30 at the sittings after the term, or at the assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such Lands, or the greater part thereof, are situated, with liberty nevertheless for the court in which the same shall have been commenced, or any Judge of His Majesty's courts of law at *Westminster*, 35 to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance, 40

ance, or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any Judge of His Majesty's courts of law at *Westminster*; and the plaintiff may proceed thereon in like manner as if the defendant
 5 had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any Judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers and writings, terriers, maps, plans and surveys relating to
 10 the matters in issue in their respective custody or power; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict which shall be given in any such action, or the judgment of
 15 the court upon the case, subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, That in
 20 case any such claim shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, the said Commissioners or Assistant Commissioner, at the request of the person dissatisfied, (such request to be made in writing within Three calendar Months after such decision, and at least Fourteen
 25 Days previous notice in writing of such request, to be given in like manner to the other parties in difference, or to their known agents), shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at *Westminster*, as the Commissioners or Assistant Commissioner shall think fit, which case shall be settled by
 30 them or him or under their or his direction, in case the parties differ about the same; and may be set down for argument and be brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein, and
 35 after such verdict given and not set aside by the court, or after such decision of the court, the said Commissioners or Assistant Commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the
 40 same shall be decided, which may order the same to be taxed by the proper officer of the court, and recovered in like manner as costs on judgments in actions brought in such court.

Or by taking
the opinion of
a Court of
Law thereon.

And be it Enacted, That no proceeding of or before the Commissioners or any Assistant Commissioner, or in any action, or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

39.
Proceedings
not to abate
by Death of
Parties.

40.

In case of Deaths of Parties before Actions brought, &c. the same to be carried on and defended in their Names.

And be it Enacted, That if any person in whose favour any such decision of the Commissioners or any Assistant Commissioner shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every 5 person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner with process and notices relating thereto, in the 10 same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any 15 other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case, and 20 proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action, or the decision upon such case, as if such person had been living.

41.

Statutes of Limitation not to be affected.

Provided always, and be it Enacted, That nothing in this Act contained shall revive any right to Tithes which now is or hereafter shall 25 be barred by any law in force for shortening the time required in claims of Modus Decimandi, or exemption from or discharge from Tithes, or for the limitation of actions and suits relating to real property.

42.

Commissioners to award total sum to be paid for the Tithes of the Parish.

And be it Enacted, That as soon as all such suits and differences 30 shall have been decided, or if there shall have been no suits or differences, then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total value of all the Tithes of the said Parish, the Commissioners or Assistant Commissioner shall frame the draft of an Award, declaring that the 35 sum ascertained as aforesaid shall be the amount of the Rent-charge to be paid in respect of the Tithes of the said Parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement, or any Schedule thereto.

43.

Commissioners may hear and determine objections to the Award.

And be it Enacted, That as soon as the said Draft shall have been 40 made by the Commissioners or Assistant Commissioner, they or he shall deposit a copy of the same at some convenient place within the said Parish, for the inspection of all persons interested in the said Lands or Tithes, and shall forthwith give notice, in such manner as 45 to

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to the Commissioners shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place and time (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to such intended Award by any person interested therein; and the said Commissioners or Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to the said intended Award, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the Lands or Tithes, or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they or he shall amend the Draft of such Award accordingly, if they or he shall see occasion.

And be it Enacted, That as soon as the Commissioners or Assistant Commissioner shall have made such amendments in the draft of the Award as to them or him shall seem necessary, they or he shall cause the same to be ingrossed on parchment, and shall sign the ingrossed Award and send it to the office of the Commissioners, and the Commissioners shall satisfy themselves that all the proceedings incident to the making of such Award have been duly performed, and if they shall think that the Award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the Award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof, in the parish in such manner as to them shall seem fit, and every such confirmed Award shall be binding on all persons interested in the said Lands or Tithes.

44.
Award to be confirmed by the Commissioners.

And be it Enacted, That as soon as the Commissioners shall have confirmed any such Award, the Commissioners or some Assistant Commissioner shall call a parochial meeting of the Owners of Land subject to Tithes in the said Parish for the purpose of choosing Valuers to apportion the same among the Lands of the Parish, and shall give notice thereof in writing under their or his hand, to be fixed at least Twenty-one Days before such meeting, on the principal outer door of the church, or in some public and conspicuous place within the Parish; and Two Valuers or a single Valuer shall be chosen at such meeting by the Land Owners present at such meeting in like manner, and the Valuers so chosen shall act with the same powers and be subject to the same provisions as if the Rent-charge so awarded had been agreed to at a parochial meeting of the Land Owners and Tithe Owners of the Parish, and the Valuers had been thereupon chosen as aforesaid.

45.
Commissioners to summon a Parochial Meeting to appoint Valuers.

46.
If valuation
not completed
in Six Months,
Commis-
sioners to ap-
portion.

And be it Enacted, That if upon the expiration of Three calendar Months after the day of the date of the confirmation of any Agreement or Award, the apportionment by the Valuers shall not be made and sent to the office of the Commissioners as hereinafter provided, it shall be lawful for the Commissioners or some Assistant Commissioner, to apportion the Rent-charge, previously agreed or awarded to be paid, among the Lands of the said Parish in proportion to the average produce and value of the said Lands, according to the discretion and judgment of the Commissioners or Assistant Commissioner, but subject to the provisions hereinafter contained, and so that the several Lands may have the full benefit in each case of every Modus, Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable.

47.
Form of
Apportion-
ment.

And be it Enacted, That a draft of every Apportionment shall be made, and shall set forth the Agreement or Award upon which it is founded, and every Schedule thereunto annexed ; and the said draft, or some schedule thereunto annexed, whether made by or under the direction of the Valuers or Commissioners or Assistant Commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several Lands to be comprised in the Apportionment and the several Proprietors and Occupiers thereof, and whether the said several Lands are then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall refer by a number set against the description of such Lands to a map or plan to be drawn on parchment, which shall be annexed to the said intended Apportionment, and the same number shall be marked on the representation of such Lands in the said map or plan, and the draft of the Apportionment shall also state the amount charged upon the said several Lands, and to whom and in what right the same shall be respectively payable.

48.
Comptroller
of Corn Re-
turns to pub-
lish Average
Price of Corn.

And be it Enacted, That immediately after the passing of this Act, and also in the month of January in every year, the Comptroller of Corn Returns for the time being, or such other person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the *London Gazette*, stating what has been during Seven Years, ending on the Thursday next before Christmas-day then next preceding, the average price of an imperial bushel of *British* Wheat, Barley and Oats, computed from the weekly averages of the Corn Returns.

49.
Rent-charges
to be valued
according to
the average
price of Corn.

And be it Enacted, That every Rent-charge charged upon any lands by any such intended Apportionment, shall be deemed at the time of the confirmation of such Apportionment as hereinafter provided, to be of the value of such number of bushels and decimal parts of an imperial bushel of Wheat, Barley and Oats as the same would have purchased

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chased at the prices so ascertained by the Advertisement to be published immediately after the passing of this Act, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase of Barley, and the remaining Third part thereof in the purchase of Oats, and the respective quantities of
 5 Wheat, Barley and Oats so ascertained shall be stated in the draught of every Apportionment.

And be it Enacted, That it shall be lawful for the Valuers or Commissioners or any Assistant Commissioner, upon the request of any Land
 10 Owner, at any time before the confirmation of the Apportionment, to apportion the whole Rent-charge intended to be charged upon any Lands of such Land Owner, held under the same title and for the same Estate, specially upon the several closes or portions of such Lands in such manner and in such proportion, and to the exclu-
 15 sion of such of them, as the Land Owner, with the consent of the person entitled to such Rent-charge, may direct; and the particulars of every such special Apportionment shall be included in the draught of the Apportionment, and taken to be a part thereof: Provided always, That the extra expenses of every such special Apportionment
 20 shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the Apportionment are recoverable; and that no close of Land shall be charged with any Rent-charge or share of Rent-charge, on account of the Tithes of any other Lands, unless the value of such Lands shall be at
 25 least double the value of the whole Rent-charge upon such Lands.

50.
 Rent-charge may be specially apportioned.

And be it Enacted, That for the purpose of making such Award or Apportionment, the Commissioners and Assistant Commissioners may employ such Land Surveyors and Tithe Valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping
 30 and planning, after any rate not exceeding Two Guineas to every such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their Award or Apportionment respectively; and the said Commissioners and Assistant Commissioners and the Land Surveyors and Tithe Valuers employed by
 35 them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the Valuers appointed a parochial meeting, except that they shall not be bound to adopt any principles of Apportionment agreed to at any parochial meeting.

51.
 Commissioners to have the power of Valuers as to entry in Lands, &c.

And be it Enacted, That the draught of every Apportionment, whether
 40 made by or under the direction of the Commissioners or any Assistant Commissioner or by the Valuers, shall be signed by the person by or under whose direction it shall have been made, and shall be sent by the person by whom it is signed, to the office of the Commissioners, with such proof as the Commissioners may require, that every pro-

52.
 Apportionment to be annexed to the Award and sent to the Commissioners.

ceeding incident to the making of such Draught of Apportionment has been duly performed.

53.
Commis-
sioners may
hear and de-
termine ob-
jections to
Apportion-
ment.

And be it Enacted, That as soon as the Draught of any such Appor-
tionment verified as aforesaid shall have been sent to the Commissioners,
they shall cause a copy of the same to be deposited at some convenient
place within the said Parish for the inspection of all persons interested
in the said Lands or Tithes, and shall forthwith cause notice to be given,
in such manner as to them shall seem fit, where the said copy may
be inspected; and shall also in such notice appoint some convenient
place, and such times as they shall think necessary (the first not
earlier than Twenty-one Days from the first giving of such notice),
for holding a meeting to hear objections to the intended Apportionment,
by any person interested therein; and the said Commissioners or some
Assistant Commissioner at such meeting as aforesaid shall hear and de-
termine any objections which may be then and there made to the said
intended Apportionment, or adjourn the further hearing thereof, if they
or he shall think proper, to a future meeting, and may, if they or he
shall see occasion, direct any further valuation of the Lands or any of
them; and from time to time fix further meetings for the hearing
and determining of objections, of which further meetings, when not
holden by adjournment, notice shall be given in manner hereinbefore
directed with regard to the original meeting; and when the said
Commissioners or Assistant Commissioner shall have heard and de-
termined all such objections, they and he are and is hereby required
to cause such Apportionment to be amended accordingly, if they or
he shall see occasion.

54.
Confirmation
by the Com-
missioners.

And be it Enacted, That after such proceedings as aforesaid shall
have been had, and all such objections, if any, shall have been finally
disposed of, the Commissioners or Assistant Commissioner shall cause
the instrument of Apportionment to be ingrossed on parchment, and
shall annex the Map or Plan thereunto belonging to the ingrossed
instrument of Apportionment, and shall sign the instrument of Appor-
tionment, and the Map or Plan, and shall send both to the Office of
the Commissioners, and if the Commissioners shall approve the
Apportionment, they shall confirm the instrument of Apportion-
ment under their hands and seal, and shall add thereunto the date
of such confirmation; and Two copies of every confirmed instru-
ment of Apportionment shall be made, and sealed with the seal
of the said Commissioners; and one such copy shall be deposited in
the Registry of the Diocese within which the parish is situated, to
be there kept among the records of the said Registry; and the
other copy shall be deposited with the Incumbent and Church
or Chapel Wardens of the parish for the time being, or such
other fit persons as the Commissioners shall approve, to be kept
by them and their successors in office with the public books, writings
and

Transcripts of
the Award to
be sent to the
Registrar of
the Diocese,
and to the In-
cumbent and
Churchward-
ens.

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and papers of the Parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every folio of Seventy-two words contained in such copy or extract; and every recital or statement in, or Map or Plan annexed to, such confirmed Apportionment, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

10 And be it Enacted, That the Commissioners, if they shall see fit, before confirming any Agreement, Award, or Apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any Lands or Tithes, or any other person to whom they may
15 think notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any Award or Apportionment to be amended accordingly.

55.
Commissioners may require notice of Agreements or Awards, to be given to the reversioner.

20 And be it Enacted, That no confirmed Agreement, Award or Apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto.

56.
Agreements, Awards and Apportionments not to be questioned after confirmation.

And be it Enacted, That from the First day of January next following the confirmation of every such Apportionment, the Lands specified
25 therein shall be absolutely discharged from the payment of all Tithes, except so far as relates to the liability of any Tenant at rack-rent dissenting as hereinafter provided; and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said Apportionment a sum of money equal in value, according to the
30 prices ascertained by the then next preceding advertisement, to the quantity of Wheat, Barley and Oats respectively mentioned therein to be payable instead of the said Tithes, in the nature of a Rent-charge, issuing out of the Lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the First day
35 of July and First day of January in every year, the first payment being on the First day of July next after the Lands shall have been discharged from Tithes as aforesaid, and such Rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after
40 every First day of January, the sum of money thenceforth payable in respect of such Rent-charge shall vary, so as always to consist of the price of the same number of bushels and decimal parts of a bushel of Wheat, Barley and Oats respectively, according to the prices ascertained by the then next preceding Advertisement, and any person entitled

57.
Lands to be discharged from Tithes, and Rent-charge paid in lieu thereof.

from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof, as are herein contained concerning the original Rent-charge : Provided always, That nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such Rent-charge.

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58.
Rent-charge
to be liable to
Parochial and
County Rates.

And be it Enacted, That every Rent-charge payable as aforesaid instead of Tithes, shall be subject to all Parliamentary Parochial and County Rates and Charges, in like manner as Tithes.

59.
Rent-charge
to be subject
to the same
incumbrances
and incidents
as Tithe
before this
Act.

And be it Enacted, That any person having any interest in or claim to any Tithes before the passing of this Act, shall have the same right to the Rent-charge for which the same shall be commuted as he had for the Tithes, and shall be entitled to have the like remedies for recovering the same as if his right to the Rent-charge had accrued after the Commutation ; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced ; and every estate for life, or other greater estate in any such Rent-charge, shall be taken to be an estate of freehold, and every Estate in any such rent-charge shall be subject to the same incidents as the like estate in the Tithes commuted for such Rent-charge, and no such Rent-charge shall merge or be extinguished in any Estate of which the person for the time being entitled to such Rent-charge may be seised or possessed in the lands on which the same shall be charged.

60.
Apportion-
ment may be
altered by
Commis-
sioners of
Land-tax if
desired.

And be it Enacted, That if at any time subsequent to the confirmation of any such instrument of Apportionment, the Owner of any Lands charged with any such Rent-charge shall be desirous that the Apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land-tax for the county or place where the said Lands are situate, or any Three of them, to alter the Apportionment in such manner and in such proportion, and to the exclusion of such of the Lands as the Land Owner, with the consent of the person entitled to the Rent-charge, may direct, and such altered Apportionment shall be made by an instrument in writing under the hands and seals of the said Commissioners of Land-tax, of the like form and tenor as to the said Lands, as the original Apportionment, and bearing date the day of its execution by the said Commissioners of Land-tax, and countersigned by the said Land Owner and person for the time being entitled to the said Rent-charge, subject to the provision hereinbefore contained with respect to the value of Lands on which any Rent-charge may be charged on account of the Tithes of any other Lands, and every such altered Apportionment shall be as valid as if made and confirmed by the Tithe Commissioners as aforesaid, and shall be taken to be an Amendment of the original Apportionment ; and in every such case Two counterparts of the instrument of altered Apportionment, under the

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the hands and seals of the said Commissioners of Land-tax, and countersigned by the said Land Owner and person for the time being entitled to the said Rent-charge, shall be sent, one to the Registrar of the Diocese, and one to the Incumbent and Church or Chapel Wardens, or other person having the custody of the other copy of the original instrument of Apportionment, and one counterpart shall be annexed to the copy of the instrument of Apportionment, in the custody of the Registrar and such other person respectively, and taken to be an Amendment thereof, and thenceforward such Lands shall be charged only according to such altered Apportionment, and all expenses of such alteration shall be borne by the Land Owner desiring the same.

And be it Enacted, That the Commissioners, or Assistant Commissioner in any case where they or he may see fit, may order such expenses of Witnesses, and of the production of any Books, Deeds, Contracts, Agreements, Accounts, or Writings, Terriers, Maps, Plans and Surveys, or copies thereof, and all other expenses (except the salary or allowance to any Commissioner or Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any Award or Apportionment before the said Commissioners or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively, or in the event of such suit difference or objection, and in such proportions, as the Commissioners or Assistant Commissioner shall think fit and reasonable.

61.
Expenses of Witnesses to be paid under the direction of the Commissioners.

And be it Enacted, That the allowances to and expenses of Land Surveyors and Tithe Valuers necessary for making any Award, and all other expenses of or incident to making the said Award, except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expenses which the Commissioners or any Assistant Commissioner, or any Court or Arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the Land Owners and Tithe Owners interested in the said Award, in such proportion time and manner as the Commissioners or Assistant Commissioner shall direct.

62.
Expenses of making any Award to be paid by the Land Owners and Tithe Owners as the Commissioners may direct.

And be it Enacted, That all the expenses of or incident to making any Apportionment (except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expense which the Commissioners or Assistant Commissioner may be authorized and may have ordered to be otherwise paid) shall be borne and paid by the Owners of Lands included in the Apportionment, in rateable proportion to the sum charged on the said Lands in lieu of Tithes, by such Apportionment.

63.
Expenses of Apportionment to be borne rateably by the Land Owners.

And be it Enacted, That if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall

64.
Expenses may be recovered by warrant of distress.

shall be lawful for the Commissioners or some Assistant Commissioner to certify under their or his hand the amount to be paid by such person, and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any Two Justices of the Peace for the county or other jurisdiction wherein the Lands mentioned in the Agreement or Award or Apportionment are situate, such Justices upon the non-payment thereof are hereby required, by Warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any) after deducting the charges of the distress and sale to the person distrained upon. 5 10

65.

Owners of particular Estates may charge the Costs on the Estate for Twenty Years.

And be it Enacted, That every Owner of an estate in Land or Tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the Commissioners, and in such manner as they may direct, charge so much of the expenses of Commutation as is to be defrayed by him, or any part thereof, upon the Lands where of the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the charge upon such Lands or Rent-charge respectively shall be lessened in every year following such Commutation by One-twentieth part at least of the whole original charge thereon. 15 20

66.

Costs of Ecclesiastical Tithe Owners may be charged on the Benefice for Twenty Years.

And be it Enacted, That every Ecclesiastical beneficed Person who shall commute the Tithes of his Benefice under this Act, may advance or borrow the sum necessary to defray so much of the expenses of Commutation as is to be defrayed by him or any part thereof, and as a security for repayment, may charge or assign the Rent-charge to be received instead of such Tithes for Twenty Years, or until the principal sum advanced or borrowed, and the interest and costs thereof, shall be sooner paid, and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One calendar Month next following, and also an instalment at the rate of Five Pounds for every hundred Pounds of the principal sum advanced or borrowed, and in default of such payment the Ordinary may sequester the profits of the Benefice until such payments shall be made. 25 30 35

67.

If Tenant at Rack-rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the tenancy.

And be it Enacted, that any Tenant or Occupier who at the time of such commutation shall occupy at rack-rent any Lands of which the Tithes shall be so commuted, may within One calendar Month next after the confirmation of the Apportionment by the Commissioners, signify by writing under his hand, given to or left at the usual residence of his Landlord or his Agent, his dissent from being bound to pay any Rent-charge apportioned and charged on the said Lands as aforesaid, and 40

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and in that case such Landlord shall be entitled, from the time when the said Apportionment shall take effect, and during the tenancy or occupation of such Tenant or Occupier, to stand, as to the perception and collection of Tithes, or receipt of any Composition instead thereof, in the place of the Owner of the Tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such Tithes or Composition, which the Tithe Owner would have had if the commutation had not taken place.

And be it Enacted, That any Tenant or Occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such Rent-charge as aforesaid, or who shall hold his Lands under a lease or agreement, providing that the same shall be holden and enjoyed by him free of Tithes, and every Tenant or Occupier, who shall occupy any Lands by any lease or agreement made subsequently to such commutation, and who shall pay any such Rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

68.
Tenant paying Rent-charge to be allowed the same in account with his Landlord.

And be it Enacted, That in case the said Rent-charge shall at any time be in arrear and unpaid for the space of Twenty-one Days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left Ten Days' notice in writing at the usual or last known residence of the Tenant in possession, to distrain upon the Lands liable to the payment thereof, or on any part thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for arrears of rent reserved on a common lease for years: Provided, That not more than Two Years' arrears shall at any time be recoverable by distress.

69.
When Rent-charge is in arrear for 21 Days after quarterly days of payment, the person entitled thereto may distrain.

And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, it shall be lawful for any Judge of His Majesty's Courts of Record at *Westminster*, upon affidavit of the fact to order a Writ to be issued, directed to the Sheriff of the county in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken to some one of His Majesty's Courts of Law at *Westminster* on a day therein to be named, either in Term time or vacation, a copy of which Warrant, and notice of the time and place of executing the same shall be given to the Owner of the Land, or left at his last known place of abode, or with his known agent, Ten Days previous to the execution thereof; and the Sheriff is hereby required to execute such

70.
When Rent-charges are in arrear for 40 Days after half-yearly days of payment, Writ to be issued directing Sheriff to summon Jury to assess arrears.

Warrant according to the exigency thereof; and the costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have possession of the Lands chargeable therewith until the arrears of Rent-charge found to be due and the said costs, and also the costs of such Writ and of executing the same, and of cultivating and keeping possession of the Lands, shall be fully satisfied: Provided always, That such possession when taken shall be dispunishable of waste, and that not more than Two Years' arrears over and above the time of such possession shall be at any time recoverable.

71.
Account, how
to be ren-
dered.

And be it Enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ, from time to time to render an account of the rents and produce of the Lands and of the receipts and payments in respect of the same; and on satisfaction of such arrears of Rent-charge and all costs and expenses as aforesaid, to order a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by rule or order of such Court or Judge from time to time to give such summary relief to the parties as to the said Court or Judge shall seem fit.

72.
Powers of
Distress and
Entry to ex-
tend to all
Lands within
the Benefice
occupied by
the Owner, or
under the
same Land-
lord or
holding.

Provided always, and be it Enacted, That in every case of an Agreement or Award made and confirmed under this Act, and notwithstanding any Apportionment which may have been made of any Rent-charge, every part of any Lands included in such Agreement or Award which shall at any time be occupied by the Owner thereof, or by the same person under one Landlord or one holding, shall be liable to be distrained upon or entered as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether chargeable on the Lands on which such distress is taken, or such entry made, or upon any other part of the Lands so occupied or holden.

73.
Apportion-
ment of Rent-
charge, in
cases of death
or removal,
&c.

And be it Enacted, That the several provisions of an Act passed in the fourth and fifth years of His present Majesty, intituled, "An Act to amend an Act of the eleventh year of King GEORGE the Second, respecting the Apportionment of Rents, Annuities and other periodical Payments," shall extend to all Rent-charges payable under this Act.

74.
Provisions for
the sale of
Buildings and
the sites
thereof ren-
dered useless
or unneces-
sary by the
Commutation
of Tithes.

And be it Enacted, That if any barns or buildings belonging to any Tithe Owner, having a limited estate or interest therein, which shall have been generally used for the housing of Tithes paid in kind, shall be rendered in the whole or in part useless, by reason of any Commutation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the consent, nevertheless, of the Commissioners, and subject

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subject to such directions as they may give to be signified under their hands and seal), to pull down any such barns or buildings, or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and
 5 either with or without any farm buildings, or homesteads thereunto belonging, either by public auction or by private contract, and upon payment of the consideration money, it shall be lawful for every such Tithe Owner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid to the purchaser thereof, or
 10 to such uses and in such manner as such purchaser shall direct, and the consideration money in each case shall be paid to the Tithe Owner, and his receipt shall be a good discharge to the purchaser, and the Tithe Owner shall lay out and invest the consideration money as the Commissioners shall direct.

15 And be it Enacted, That no Commutation for Tithes which shall be effected by virtue of this Act, shall be taken to affect any Contract by way of Composition for Tithes which at the time of such Commutation taking effect may be subsisting between any Tithe Owner and the Occupier of any Land liable to Tithes, without the consent of all the
 20 parties to such subsisting contract, and nothing in this Act contained shall affect any right to any Tithes which shall have become due before the Commutation.

75.
 Contracts for the Composition of Tithe subsisting and Tithes due before this Act, not to be affected.

And be it Enacted, That nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and
 25 specially approved by the Commissioners, in which case the same shall be valid, shall extend to any Easter Offerings, Mortuaries or Surplice Fees, or to the Tithes of fish, or of fishing, or to the Tithes of mills or any Personal Tithes, or to any mixed Tithes not arising upon land, or any mineral Tithes, or to any Payment instead of Tithes, arising or growing
 30 due within the City of London, or to any permanent Rent-charge or other rent or payment in lieu of Tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements, the Tithes whereof shall have been already
 35 perpetually commuted or extinguished under any Act of Parliament heretofore made.

76.
 Act not to extend to Easter Offerings, &c. or to payments instead of Tithes in London, or to permanent Rent-charges by custom or Act of Parliament.

And be it Enacted, That no Advertisement inserted by direction of the Commissioners or any Assistant Commissioner, or by any Tithe Owner or Land Owner in the London Gazette, or in any newspaper,
 40 for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

77.
 Advertisements, Contracts and Awards not to be liable to Stamp Duty,

78.
Correspondence of Commissioners, relating to this Act, to be free of Postage

And be it Enacted, That the said Commissioners may receive and send by the General Post from and to places in *England* and *Wales* all Letters and Packets relating exclusively to the execution of this Act, free from the duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their Office in London, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in covers, with the words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the outside thereof under such words with the Name of such Person in his own handwriting as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them shall appoint, (such Name to be from time to time sent to the Secretary of the General Post Office in *London*,) and be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act; or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any Letter, Paper or Writing, or any Enclosure other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office; one moiety of such penalty shall be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

79.
False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

And be it Enacted, That if any person, under the provisions of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury; and if any person shall make or subscribe a false Affidavit or Declaration for the purposes of this Act, he shall suffer the penalties of Perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, deed, contract, agreement, account or writing, terrier, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

80.
Limitation of Actions against Commissioners, Assistant

And be it Enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire or Surveyor, for any thing done under the authority of this

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Commissioners,
Justices, &c.

5 this Act, until Twenty-one Days' notice thereof shall have been given in
writing to the party against whom such Action or Suit is intended to be
brought, or after sufficient satisfaction or tender of amends shall have
been made to any party aggrieved, or after Three calendar Months shall
10 have expired from the commission of the act for which such Action
or Suit shall be so brought, and every such Action shall be brought,
laid and tried in the county or place where the cause of action shall
have arisen, and not in any other county or place; and if it shall
15 appear that such notice of Action or Suit was brought before Twenty-
one Days' notice thereof given as aforesaid, or that sufficient amends
were made or tendered as aforesaid, or if any such Action or Suit
shall not be commenced within the time before limited in that behalf,
or such Action shall be laid in any county or place other than as afore-
said, then the jury shall find a verdict for the defendant therein, or
20 the Court, upon summary application by motion in any such Suit, may
dismiss the same against such defendant; and if a verdict shall be
found for such defendant, or such Suit shall be dismissed upon
application as aforesaid, or if the plaintiff in such Action or Suit
shall become nonsuit, or suffer a discontinuance of such Action,
or if upon any demurrer in such Action or Suit judgment shall be
25 given for the defendant therein, then such defendant shall have costs,
charges and expenses, as between attorney and client.

25 And be it Enacted, That no Order, Adjudication or Proceeding
made or had by or before the Commissioners, or any Assistant Com-
missioner under the authority of this Act, or any Proceeding to be
had touching any offender against this Act, shall be quashed for want
of form, or be removed or removable by Certiorari, or any other writ
or process, into any of His Majesty's Courts of Record at *Westminster*
or elsewhere.

81.
Proceedings
under this
Act not to be
quashed for
want of form,
nor to be
removed by
Certiorari.

And be it Enacted, That this Act shall extend only to *England* and
Wales.

82.
Limits of Act.

Tithes Commutation.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For the Commutation of Tithes in *England*
and *Wales*.

(*Prepared and brought in by*
Lord John Russell, Lord Viscount Howick, and
Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed,
13 April 1836.



A

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

For the Commutation of Tithes in *England* and *Wales*.

[N. B.—*The Clause marked (A.) was added on the first Re-commitment, and the Clauses marked (B.) and (C.) were added on the Second Re-commitment.*]

WHEREAS it is expedient to amend the Laws relating to Tithe in *England* and *Wales*, and to provide the means for an adequate compensation for Tithe, and for the commutation thereof; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint Two fit persons to be Commissioners to carry this Act into execution, and from time to time at pleasure to remove them, or either of them, and that it shall be lawful for the Archbishop of *Canterbury*, under his hand and archiepiscopal seal, to appoint One fit person to be a Commissioner to carry this Act into execution, and from time to time at pleasure to remove the Commissioner so appointed by him; and upon every vacancy in the Office of Commissioner some other fit person shall be appointed to the said Office, in the same manner and by the same authority as the Commissioner whose vacancy is thereby supplied; and until such appointment, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.
Appointment of Commissioners.

2.
Style of Commissioners.

To have Common Seal.

Awards, &c., purporting to be sealed with Seal of Commissioners, to be received as Evidence.

and Awards confirmed by the said Commissioners in pursuance of this Act; and all such Agreements and Awards, and other instruments proceeding from the said Board, or copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received in evidence, without any further proof thereof; and no Agreement or Award shall be of any force, unless the same shall be sealed or stamped as aforesaid.

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3. Commissioners to report to Secretary of State.

And be it Enacted, That the said Commissioners shall from time to time give to any One of His Majesty's Principal Secretaries of State, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall Once in every year send to one of the Principal Secretaries of State a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next Meeting thereof.

15

Annual Report to be laid before Parliament.

4. Power to appoint Assistant Commissioners, Secretary, and Assistant Secretary.

And be it Enacted, That it shall be lawful for the Commissioners, subject to the approval of one of His Majesty's Principal Secretaries of State, from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a Secretary and Assistant Secretary, and with the like approval, to remove such Assistant Commissioners, Secretary or Assistant Secretary, or any of them, and on any vacancy in any of the said Offices to appoint, subject to the like approval, some other Person to the vacant Office, and the persons so appointed shall assist in carrying this Act into execution, at such places and in such manner as the said Commissioners may direct.

25

5. Commissioners not to sit in the House of Commons.

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid, shall, during his continuance in such Office, be capable of being elected, or of sitting as a Member of the House of Commons.

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6. Lords of the Treasury to appoint Clerks, and other Officers.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, may, on application by the said Commissioners, from time to time appoint all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time remove such Clerks, Messengers and Officers, or any of them, and appoint others in their stead.

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7. Operation of Act as to appointment of Commissioners, &c. limited to Five Years.

And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer period than Five Years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration

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expiration of the said period of Five Years, and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

- And be it Enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salaries of the Secretary, Assistant Secretary, Clerks, Messengers and other Officers to be appointed under this Act, shall be from time to time regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any Three of them : Provided always, That the Salary of a Commissioner shall not exceed the sum of One thousand Five hundred Pounds a year, nor the Allowance to an Assistant Commissioner the sum of Three Pounds for every day that he shall be actually employed, or travelling in the performance of the duties of his office ; nor the Salaries of the Secretary or Assistant Secretary the sum of Eight hundred Pounds a year; and that the Salaries of the Clerks, Messengers and other Officers shall be in fit proportion : Provided also, That the said Lord Treasurer or Lords Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger or other Officer, any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his Salary or Allowance respectively.

8.
Salaries of,
and Allow-
ances to,
Commis-
sioners and
Assistant
Commis-
sioners, Se-
cretary and
other Officers.

- And be it Enacted, That the Salaries, Allowances and Travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers and Officers as aforesaid, and all other incidental expenses of carrying this Act into execution, not herein otherwise provided for, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, out of the Consolidated Fund.

9.
CLAUSE (A.)
Such Salaries,
Allowances
and other
Expenses,
how to be
paid.

- And be it Enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his Office, make the following Declaration before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer ; (that is to say)

10.
Commission-
ers and As-
sistant Com-
missioners to
make a
Declaration.

- " I, A. B., do declare, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, fulfil all the Powers and Duties of a Commissioner [or, Assistant Commissioner, *as the case may be,*] under an Act passed in the sixth year of the reign of King WILLIAM the Fourth, intituled, [here set forth the Title of this Act.]"

Form of De-
claration.

And the Appointment of every such Commissioner and Assistant Commissioner, with the time when, and the name of the Judge or Baron before whom he shall have made the declaration aforesaid, shall be forthwith published in the *London Gazette*.

Notification
of appoint-
ment to be
published in
the Gazette.

11.
Commissioners or
Assistant
Commissioners may
summon and
examine
Witnesses.

And be it Enacted, That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the Commutation of Tithe, and also make any inquiries, and call for any answer or returns as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans and surveys, or copies thereof respectively, in anywise relating to any such matter; or in lieu of requiring such oath as aforesaid, the said Commissioners, or Assistant Commissioner, may require any such person to make and subscribe a declaration of the truth of his examination: Provided always, That no such person shall be required, in obedience to any such summons, to travel more than Ten Miles from the place of his abode, or to produce any deeds, papers or writings relating to the title of any Lands or Tithes.

12.
Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners as the said Commissioners shall think fit; (except the power to confirm Agreements and Awards, or to frame forms of agreements and other instruments as hereinafter provided, or to do any act herein required to be done under the seal of the said Commissioners) and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner.

13.
Meaning of the words
" Person,"
" Lands,"
" Tithes,"
" Parish,"
" Parochial,"
" Land
Owner,"
" Tithe
Owner,"
as used in this
Act.

And be it Enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word " Person" shall mean and include The King's Majesty, and any body corporate, aggregate or sole, as well as an individual; and any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only, shall mean and include a female as well as a male; and the word " Lands" shall mean and include all messuages, lands, tenements and hereditaments; and the word " Tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word " Parish" and " Parochial"

“Parochial” shall mean and include and extend to every parish and every extra-parochial place, and every district of which the Tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the Commissioners shall by any order direct to be considered as a separate district for the commutation of Tithes; and the words “Land Owner” or “Tithe Owner” or “Owner of Lands” or “Owner of Tithes” shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any Lands or Tithes (except any Tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any Tenant for years whatsoever, holding under a lease or agreement for a lease for a term which shall not have exceeded Fourteen Years from the commencement thereof), and that without regard to the real amount of interest of such person; and in every case in which any Tithes or Lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded Fourteen Years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease, shall, jointly with the person who shall be in the actual possession or occupation of such Tithes or Lands, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any Tithes or Lands under any sequestration, extent, elegit or other writ of execution, or as a receiver under any order of a Court of Equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands.

Where Parties to be deemed Joint Owners.

And be it Enacted, That whenever the Ownership of any Lands or Tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty's Woods, Forests and Land Revenues for the time being, or in case such Lands or Tithes shall be vested in His Majesty, in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Chancellor of the Duchy of *Lancaster* or the Officers or Council of the Duchy of *Cornwall*, entitled to grant Leases of Lands parcel of the Duchy of *Cornwall*, shall, for the purposes of this Act, be substituted instead of the Owner of such Lands or Tithes respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is of the yearly value of

14. When Ownership of Lands or Tithes or Patronage is vested in the Crown, who to be deemed the Owner, or Patron.

Twenty Pounds or upwards in the King's Books, and where such value is below the value of Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, 5
That if such patronage is vested in His Majesty in right of the Duchy of *Lancaster* or the Duchy of *Cornwall*, the respective Chancellors for the time being of such Duchies shall for the purposes of this Act be substituted instead of the Patron.

15.
When the same Person is Owner of Lands and Owner of Tithes, he may be dealt with in both characters.

And be it Enacted, That whenever any person shall be at the same 10
time Owner of any Lands and Owner of any Tithes comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being Owner of any Lands or of any Tithes, shall also be Patron of the Benefice to which the Tithes in question may belong, such person, in relation to such Agreement, may act and be dealt 15
with in each of the several characters so borne by him as aforesaid.

16.
In case Patron or Owner is under legal disability, who to act.

And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any Tithes shall be a minor, idiot, lunatic, feme covert, beyond the seas, 20
or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their 25
hands and seal, shall for the purposes of this Act be substituted in the place of such Patron, Owner, or person so interested.

17.
Acts may be done by Agents.

And be it Enacted, That all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent of such person, unless there be something 30
in the subject or context repugnant to such construction.

18.
Parochial Meetings may be called, at which Owners of Two-thirds in value may agree on the sum to be paid to the Tithe Owners, which Agreement shall bind the whole Parish.

And be it Enacted, That any one or more of the Land Owners or Tithe Owners, whose interest respectively shall not be less than One-fourth part of the whole value of the Lands subject to Tithes, or One-fourth part of the whole value of the Tithes of any Parish in *England* or 35
Wales, may call a parochial meeting of Land Owners and Tithe Owners within the limits of the Parish, by notice thereof in writing under his or their hand, to be affixed at least Twenty-one Days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the Parish, and to be Twice at 40
least, during such Twenty-one Days, inserted in some newspaper generally circulated within the county in which such Parish is situated, for the purpose of making an agreement for the general Commutation
of

of Tithes within the limits of such Parish ; and every Land Owner and Tithe Owner attending such meeting shall bear his own expenses of attendance ; and the Land Owners and Tithe Owners who shall be present at any such meeting called as aforesaid, and whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way of rent-charge, variable as herein-
 10 after provided, instead of the Great and Small Tithes of the Parish collectively, or instead of the Great Tithes and Small Tithes severally to the respective Owners thereof in the said Parish ; and every agreement so made and executed and confirmed in manner hereinafter mentioned shall be binding on all persons interested in the Tithes or
 15 Lands subject to Tithes of the said Parish.

And be it Enacted, That the majority of such Land Owners and Tithe Owners present at every such meeting shall elect a Chairman, who shall forthwith proceed to ascertain the interest of the Land Owners and Tithe Owners then present in person or by their agents ; and in case
 20 it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an Agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional Agree-
 25 ment for the commutation of Tithes of the like form and tenor ; and every such provisional Agreement which shall be executed within Six calendar Months from the day of the first making thereof by the Land Owners and Tithe Owners, whose interest in the Lands and Tithes of the Parish shall not be less than Two-thirds of the Lands subject
 30 to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the Agreement was first made.

19.
Provisional
Agreements
may be
made at the
Parochial
Meetings.

Provided always, and be it Enacted, That the proportional interest of the Owners of such Lands or Tithes, so far as relates to their
 35 power to make any such agreement or provisional agreement, or to give any notice to the Commissioners or Assistant Commissioners, as hereinafter provided, shall be estimated according to the proportional sum at which such Lands or Tithes shall be rated to the relief of the
 40 poor, or if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor.

20.
Proportional
interest in
Lands and
Tithes, how
to be estima-
ted for the
purposes of
this Act.

And be it Enacted, That in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the Chairman shall adjourn the meeting to

21.
Meeting
may be
adjourned.

any time and place then by him to be declared, and notice of every adjourned meeting shall be given under the hand of the Chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting. 5

22.
Form of
Parochial
Agreement.

And be it Enacted, That every such Agreement shall bear date on the day on which the first signature is attached thereto, and every such Agreement or some Schedule thereunto annexed shall set forth all the Lands of the said Parish which are subject to the payment of any kind of Tithes, and also the true or estimated quantity in statute measure of Land subject to Tithes within the Parish, which shall be then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall also set forth whether any Modus or Composition real or prescriptive or customary payment, shall be payable instead of all or any of the Tithes of the said Parish, and which Lands or Tithes respectively are covered thereby, and shall also set forth which of the said Tithes, Moduses, Compositions or Payments are payable to the Tithe Owner, or if there are more than one Tithe Owner to each of the several Tithe Owners in the said Parish, distinguishing in what right every such Tithe Owner is entitled to such Tithes, and shall also set forth whether any and which of the Lands of the said Parish are under any and what circumstances exempt from the payment of any and what Tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided), instead of the Tithes of the Lands comprised in the said agreement, and instead of all Moduses and Compositions real, prescriptive and customary payments (if any) payable in respect of such Lands, or the produce of such lands or any of them; distinguishing, if there is more than one Tithe Owner, the sum payable to every such Tithe Owner, and where the Tithes of different Lands in the same Parish are payable to different Tithe Owners, or to the same Tithe Owner in different rights, distinguishing the sum payable in respect of such different Lands; and every such Agreement shall also state all such other particulars as the Commissioners shall by any order from time to time require to be inserted in such Agreements. 10 15 20 25 30 35

23.
Commissioners to
frame and
circulate
Forms of
Agreements,
&c.

And be it Enacted, That the Commissioners shall frame and cause to be printed as soon as conveniently may be after their appointment, Forms of Notices and Agreements, and such other Instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the Churchwardens and Overseers of any parish who may require the same, or to whom the Commissioners may think fit to send the same, for the use of any Land Owner or Tithe Owner desirous of putting this Act in execution. 40

And

And be it Enacted, That any Commissioner or Assistant Commissioner, if the Commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement ; but no Commissioner or Assistant Commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the Commissioners, in case of an award or apportionment by the Commissioners, as hereinafter provided.

24.
Commis-
sioner or
Assistant
Commis-
sioner may
attend to ad-
vise terms of
Agreement.

And be it Enacted, That if any Suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Payment, or any claim of exemption from or non-liability to Tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the Owners, or if there shall be no Owner actually in possession, for the persons claiming to be the Owners of the Lands and Tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's Courts of Record, upon such terms of reference as the parties may agree upon, and the decision of the Arbitrator or Arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons.

25.
Suits and dif-
ferences may
be referred to
Arbitration.

And be it Enacted, That every Agreement for the commutation for a Rent-charge of the Tithes of any Lands which shall be pending at the time of the passing of this Act, and which shall be executed within Six calendar Months after the passing of this Act by the Land Owners and Tithe Owners, or persons claiming to be such Owners, whose interest in the said Lands and Tithes shall not be less than Two-thirds of the said Lands, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the said Lands, and which shall be confirmed by the Commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any Parochial Agreement, shall be as valid, and the rent-charge agreed to be paid by any such Agreement shall be apportioned and charged, as hereinafter provided, among and upon the said Lands, as if the Agreement had been made and executed at a parochial meeting.

26.
Agreements
pending at
the time of
the passing of
this Act, if
completed
and con-
firmed by the
Commis-
sioners, to be
as valid as
parochial
agreements.

Provided always, and be it Enacted, That in every case in which any Tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such Tithes made and executed under this Act shall be deemed to be

27.
Consent of
Patron to be
given to every
Agreement for
Commuta-
tion of
Ecclesiastical
Tithe.

executed by the Owner of such Tithes, unless such consent thereto be given as is hereinafter mentioned; (that is to say) in the case of an Archbishop or Bishop, the consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the Incumbent of any other benefice or ecclesiastical dignity, the consent of the Patron or person entitled to present to such benefice or dignity, in case the same were then vacant, and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

28.
Agreement to
be confirmed
by the Com-
missioners.

And be it Enacted, That every such Agreement, as soon as may be after it shall have been executed by a sufficient number of Land Owners and Tithe Owners whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the great Tithes, and Two-thirds of the small Tithes, shall be sent by the Chairman of the Meeting, or by the person in whose custody it shall then be, to the office of the Commissioners, and the Commissioners, by themselves, or by some assistant Commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the Agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the Agreement under their hands and seal, and shall add to such Agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in such manner as to them shall seem fit; and every such confirmed Agreement shall be binding on all persons interested in the said Lands or Tithes.

29.
Appointment
of Valuers.

And be it Enacted, That at the said meeting, or at some adjournment thereof, or at some other parochial meeting, to be called in like manner, either before or after the confirmation of the Agreement, the Owners of Lands subject to Tithes in the said Parish, or their agents present at the meeting, shall appoint Two or such other even number of Valuers as shall be then agreed on by such Land Owners; half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest of such Land Owners then present: Provided always, That the same person or persons may be chosen by each majority.

30.
Valuers to ap-
portion the
Rent-charge.

And be it Enacted, That as soon as may be after the choosing of such Valuers, and after the confirmation of the said Agreement, the Valuers so chosen shall apportion the total sum agreed to be paid by way of rent-charge instead of Tithes, and the expenses of the apportionment, amongst the several Lands in the said Parish, according

according to such principles of apportionment as shall be agreed upon at the meeting at which the Valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the Valuers, then having regard to the average titheable produce and productive quality of the Lands, according to the discretion and judgment of the Valuers, but subject in each case to the provisions hereinafter contained, and so that in each case the several Lands shall have the full benefit of every Modus and Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable; provided that if the said Valuers, when more than One is chosen, shall not agree with respect to the apportionment, or any part thereof, it shall be lawful for them, by any writing under their hands, to appoint an umpire, and the decision of the umpire on the questions in difference between the Valuers shall be binding on them, and shall be adopted by them in the apportionment.

And be it Enacted, That the said Valuers and Umpire (if appointed) and their agents or servants at all reasonable times may enter upon any of the Lands to be included in the apportionment, and make an admeasurement, plan and valuation of the same, without being subject to any action or molestation for so doing: Provided always, That no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners, or some Assistant Commissioner or Justice of the Peace, the declaration hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person instead of the word Commissioner, and adding to his signature the usual place of his residence, which declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice to administer, and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the Commissioners.

31.
Valuers may enter on Lands for the purpose of valuing Tithes.

And be it Enacted, That the Valuers or Umpire may, if they think fit, use for the purposes of this Act, any Admeasurement, Plan or Valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied.

32.
Old Plans and Surveys may be used, if the Valuers think proper.

And be it Enacted, That after the First day of October One thousand eight hundred and Thirty-seven, the Commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total sum to be paid by way of

33.
After 1st of October 1837, Commissioners may ascertain total value of Tithes in any Parish in

which no
previous
Agreement
made.

Rent-charge instead of the Tithes of every Parish in *England* and *Wales* in which no such agreement binding upon the whole Parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, That if any proceeding shall be had towards making and executing any such agreement after the Commissioners shall 5 have given, or caused to be given, notice of their intention to act as aforesaid in such Parish, the Commissioners may refrain from acting upon such notice if they shall think fit, until the result of such proceeding shall appear.

34.
Value of
Tithes to be
calculated
upon an
average of
Seven Years.

And be it Enacted, That in every case in which the Commissioners 10 shall intend making such Award, notice thereof shall be given in such manner as to them shall seem fit, and after the expiration of Twenty-one Days after such notice shall have been given, the Commissioners, or some Assistant Commissioner, shall proceed to ascertain the clear average value (after making all just deductions on account 15 of the expenses of collecting, preparing for sale, and marketing) of the Tithes of all titheable matters arising in the said parish, according to the average of Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five: Provided, That if during the said period of Seven Years, or any part thereof, the said Tithes, or 20 any part thereof, shall have been compounded for, or demised to the occupier of any of the said Lands, in consideration of any rent or payment instead of Tithes, the amount of such composition or rent, or sum agreed to be paid instead of Tithes, shall be taken as the clear value of the Tithes included in such composition, demise or 25 agreement during the time for which the same shall have been made; and the Commissioners or Assistant Commissioner shall award the average value of the said Seven Years so ascertained as the sum to be taken for calculating the Rent-charge to be paid as a permanent commutation of the said Tithes: Provided also, That in estimating 30 the value of the said Tithes, the Commissioners or Assistant Commissioner shall estimate the same as chargeable to all Parliamentary, Parochial, County and other Rates, charges and assessments to which Tithes are liable; and whenever the said Tithes shall have been 35 demised or compounded for on the principle of the rent or composition being paid, free from all such rates, charges and assessments, or any part thereof, the said Commissioners or Assistant Commissioner shall have regard to that circumstance, and shall make a fair addition on account thereof.

Tithes to be
valued as
chargeable to
Parochial and
County Rates.

35.
Extreme cases
how to be
modified.

Provided always, and be it Enacted, That in case notice in writing 40 under the hands of any Land Owners or Tithe Owners whose interest in the Lands or Tithes of the Parish shall not be less than One-half of the Lands subject to Tithes, One-half of the Great Tithes or One-half of the Small Tithes of the Parish shall be given to the Commissioners, or Assistant

Assistant Commissioner acting in that behalf, within One calendar Month next after the notice of the intention to make an Award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken

5 for calculating a permanent Commutation of the great or small Tithes of the said Parish, the said Commissioners or Assistant Commissioner shall also ascertain, as nearly as may be, in manner aforesaid, (except with regard to Hop-grounds, Orchards, Coppices and Gardens, concerning which notice shall have been given as hereinafter provided),

10 the average gross value of such Tithes respectively, as if the same had been taken in kind during the whole said period of Seven Years, and without making any deduction on account of the expenses of collecting, marketing or otherwise; and in every case in which the average sum paid or agreed to be paid during the last Seven Years, or the net

15 value of the produce taken for Tithe, if taken in kind, adding thereunto, if paid free from Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithes are liable, a fair addition on account thereof), shall appear to be less than Sixty Pounds for every hundred Pounds of the average gross value of the

20 Tithes so estimated, if taken in kind during the same period, the sum taken for calculating a permanent Commutation thereof shall be Sixty Pounds for every Hundred Pounds of such gross value of the Tithes taken in kind; and in every case in which the average sum so paid, or agreed to be paid, or the net value of the produce taken for

25 Tithe, if taken in kind, shall appear to be more than Seventy-five Pounds for every Hundred Pounds of such average gross value of the Tithes taken in kind, the sum taken for calculating a permanent Commutation thereof shall be Seventy-five Pounds for every Hundred Pounds of such gross value of the Tithes taken in kind; and the

30 average sum so paid or agreed to be paid, and the net value of the produce taken for Tithe, if taken in kind, if more than Sixty Pounds and less than Seventy-five Pounds for every Hundred Pounds of such average gross value of the Tithes taken in kind, shall be taken without alteration for calculating a permanent Commutation thereof: Pro-

35 vided always, That if it shall appear to any Assistant Commissioner by whom the average value of the Tithes shall be so estimated in any Parish, that the expenses of collecting, preparing for sale, and marketing the great or small Tithes respectively shall exceed Forty Pounds for every Hundred Pounds of such gross value of the same

40 Tithes taken in kind, or if it shall appear to the said Assistant Commissioner, by reason of any charges imposed by Parliament on any Lands for drainage or embankment, or by reason of any other special circumstances, that the sum of Sixty Pounds for every Hundred Pounds of such gross value of the Tithes, if taken in kind, is more than has been paid as aforesaid, and more than ought to be taken for calculating a permanent Commutation of the said Tithes, it shall be

For the modification of special cases.

lawful for the Assistant Commissioner to hear all the parties interested in the said Tithes on a day or days to be appointed by him for that purpose, and thereupon to make such order concerning the sum to be taken for calculating a permanent Commutation of the said Tithes, as to him shall seem equitable, but so that the same shall not exceed the sum of Sixty Pounds, and shall not fall short of the sum of Fifty Pounds for every Hundred Pounds of such gross value of the said Tithes; and in every such case the Assistant Commissioner, at the request of any person interested in the said Lands or Tithes, shall make a special Report to the Commissioners, setting forth the special circumstances upon which such order shall have been made, and a copy of such special Report shall be annexed to the draught of the Award hereinafter mentioned, and deposited as a copy of the said Award is hereinafter provided to be deposited within the Parish, for the inspection of all persons interested in the said Lands or Tithes.

36.
How the Tithe of Wood, Hops, Fruit, and Garden produce is to be valued.

And be it Enacted, That in case any of the Lands in the Parish shall be Hop-grounds, Orchards, Coppices or Gardens, and notice shall be given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average rate of composition for the Tithes of Hops, Fruit, Coppice Wood and Garden produce respectively during Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, within a district to be assigned in each case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the Parish, ascertained as aforesaid.

37.
CLAUSE (B.)
Provision for the change of culture of Hop Grounds and Market Gardens.

And be it Enacted, That the amount which shall be charged by any such apportionment, upon any Hop Grounds or Market Gardens in any district so to be assigned, shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge; and the Extraordinary Charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the Valuers, or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such commutation, shall be charged after the Thirty-first day of December next following such change of cultivation, only with the ordinary charge upon such Lands, and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated

cultivated as Hop Grounds or Market Gardens, at any time after such Commutation, shall be charged with an additional amount of Rent-charge per imperial acre, equal to the Extraordinary Charge per acre upon Hop Grounds or Market Gardens respectively in that District:

5 Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation; and an additional Rent-charge, by way of Extraordinary Charge upon Hop

10 Grounds and Market Gardens, newly cultivated as such beyond the limits of every District in which any Extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any Person interested therein, if such new cultivation

15 shall have taken place during the continuance of the Commission of the said Commissioners, and after the expiration of the Commission, shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner, and subject to the same incidents in all respects as an

20 Extraordinary Charge charged upon any Hop Grounds or Market Gardens at the time of Commutation.

And be it Enacted, That if any Modus or Composition real, or prescriptive or customary Payment shall be payable instead of the Tithes of any of the Lands or produce thereof in the said Parish, the Commissioners or Assistant Commissioner shall in such case estimate the amount of such Modus, Composition or Payment as the value of the Tithes payable in respect of such Lands or produce respectively, and shall add the amount thereof to the value of the other Tithes of the Parish ascertained as aforesaid, and shall also make due allowance for all

25 exemptions from or non-liability to Tithes of any Lands, or any part of the produce of such Lands: Provided also, That if it shall appear to the said Commissioners or Assistant Commissioner, that any question concerning any Modus or Composition real, prescriptive or customary Payment, or claim of exemption from or non-liability to

30 the payment of Tithes relating to the Lands in question, shall have been decided by competent authority before the making of the said Award, the Commissioners or Assistant Commissioners shall act on the principle established by such decision, and shall make their Award, as if such decision had been made at the beginning of the

35 said period of Seven Years.

40

38.
Moduses, &c.
how to be
allowed for
in the Award.

And be it Enacted, That if any suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Payment, or any claim of exemption from, or non-liability, under any cir-

39.
Commis-
sioners may
hear and
determine
disputes.

cumstances, to the payment of any Tithes in respect of any Lands or any kind of produce, or touching the situation or boundary of any Lands, or if any difference shall arise whereby the making of any such Award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner to appoint a time and place in or near the Parish for hearing and determining the same; and the decision of the Commissioners or Assistant Commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained. 5

40.
Subject to
Appeal by an
Issue at Law.

Provided always, and be it Enacted, That any person claiming to be interested in any Lands, or in the Tithes thereof, who shall be dissatisfied with any such decision of the Commissioners or Assistant Commissioner, may, if the yearly value of the payment to be made or withholden according to such decision shall exceed the sum of Twenty Pounds, cause an action to be brought in any of His Majesty's courts of law at *Westminster* against the person in whose favour such decision shall have been made, within Three calendar Months next after such decision shall have been notified in writing, in such manner as the Commissioners or Assistant Commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term, or at the assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such Lands, or the greater part thereof, are situated, with liberty nevertheless for the court in which the same shall have been commenced, or any Judge of His Majesty's courts of law at *Westminster*, to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance, or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any Judge of His Majesty's courts of law at *Westminster*; and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any Judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers and writings, terriers, maps, plans and surveys relating to the matters in issue in their respective custody or power; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict 10 15 20 25 30 35 40

verdict which shall be given in any such action, or the judgment of the court upon the case, subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, That in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said Commissioners or Assistant Commissioner, at the request of the person dissatisfied, (such request to be made in writing within Three calendar Months after such decision, and at least Fourteen Days previous notice in writing of such request, to be given in like manner to the other parties in difference, or to their known agents), shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at *Westminster*, as the Commissioners or Assistant Commissioner shall think fit, which case shall be settled by them or him or under their or his direction, in case the parties differ about the same; and may be set down for argument and be brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein: Provided always, That after such verdict given and not set aside by the court, or after such decision of the court, the said Commissioners or Assistant Commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court, and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said court.

Or by taking the opinion of a Court of Law thereon.

And be it Enacted, That no proceeding of or before the Commissioners or any Assistant Commissioner, or in any action, or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

41.
Proceedings not to abate by Death of Parties.

And be it Enacted, That if any person in whose favour any such decision of the Commissioners or any Assistant Commissioner shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner with process and notices relating thereto, in the

42.
In case of Deaths of Parties before Actions brought, &c. the same to be carried on and defended in their Names.

same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case, and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action, or the decision upon such case, as if such person had been living, and the costs of every such action or case shall be in the discretion of the court as aforesaid.

43.
Statutes of
Limitation
not to be
affected.

Provided always, and be it Enacted, That nothing in this Act contained shall revive any right to Tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of Modus Decimandi, or exemption from or discharge from Tithes, or for the limitation of actions and suits relating to real property.

44.
Commis-
sioners to
award total
sum to be
paid for the
Tithes of the
Parish.

And be it Enacted, That as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences, then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total value of all the Tithes of the said Parish, the Commissioners or Assistant Commissioner shall frame the draft of an Award, declaring that the sum ascertained as aforesaid shall be the amount of the Rent-charge to be paid in respect of the Tithes of the said Parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement, or any Schedule thereto.

45.
Commis-
sioners may
hear and
determine
objections to
the Award.

And be it Enacted, That as soon as the said Draft shall have been made by the Commissioners or Assistant Commissioner, they or he shall deposit a copy of the same, and of any special report thereunto annexed, at some convenient place within the said Parish, for the inspection of all persons interested in the said Lands or Tithes, and shall forthwith give notice, in such manner as to the Commissioners shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place and time (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to such intended Award by any person interested therein; and the said Commissioners or Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to the said intended Award, or adjourn the further hearing

hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the Lands or Tithes, or any of them, and from time to time fix further meetings for the hearing and determining of objections, of
5 which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they or he shall amend the Draft of such Award accordingly, if they or he shall see
10 occasion.

And be it Enacted, That as soon as the Commissioners or Assistant Commissioner shall have made such amendments in the draft of the Award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office
15 of the Commissioners, and the Commissioners shall satisfy themselves that all the proceedings incident to the making of such Award have been duly performed, and if they shall think that the Award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the Award the date of such confirmation, and shall
20 publish the fact of such confirmation and the date thereof, in the parish, in such manner as to them shall seem fit; and every such confirmed Award shall be binding on all persons interested in the said Lands or Tithes.

46.
Award to be confirmed by the Commissioners.

And be it Enacted, That as soon as the Commissioners shall have confirmed any such Award, the Commissioners or some Assistant Commissioner shall call a parochial meeting of the Owners of Land subject
25 to Tithes in the said Parish for the purpose of choosing Valuers to apportion the amount so awarded among the Lands of the Parish, and shall give notice thereof in writing under their or his hand, to be fixed
30 at least Twenty-one Days before such meeting, on the principal outer door of the church, or in some public and conspicuous place within the Parish; and Valuers or a single Valuer may be chosen at such meeting by the Land Owners then present in like manner, and the Valuers so chosen shall act with the same powers and be subject to
35 the same provisions as if the Rent-charge so awarded had been agreed to at a parochial meeting of the Land Owners and Tithe Owners of the Parish, and the Valuers had been thereupon chosen as aforesaid.

47.
Commissioners to summon a Parochial Meeting to appoint Valuers.

And be it Enacted, That if upon the expiration of Three calendar Months after the day of the date of the confirmation of any Agreement
40 or Award, no Valuer or Valuers shall have been appointed, or the apportionment by such Valuers or Valuer shall not have been made and sent to the office of the Commissioners as hereinafter provided, it shall be lawful for the Commissioners or some Assistant Commissioner, to apportion the Rent-charge, previously agreed or awarded to be paid,

48.
If valuation not completed in Three Months, Commissioners to apportion.

among the Lands of the said Parish, having regard to the average Titheable Produce and productive quality of the said Lands, according to the discretion and judgment of the Commissioners or Assistant Commissioner, but subject to the provisions hereinafter contained, and so that the several Lands may have the full benefit in each case of every Modus, Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable. 5

49.
Form of
Apportion-
ment.

And be it Enacted, That a draft of every Apportionment shall be made, and shall set forth the Agreement or Award, as the case may be, upon which such Apportionment is founded, and every Schedule thereunto annexed ; and the said draft, or some Schedule thereunto annexed, whether made by or under the direction of the Valuers or Commissioners or Assistant Commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several Lands to be comprised in the Apportionment, and shall set forth the names and description of the several Proprietors and Occupiers thereof, and whether the said several Lands are then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall refer by a number set against the description of such Lands to a map or plan to be drawn on parchment, and the same number shall be marked on the representation of such Lands in the said map or plan, and the draft of the Apportionment shall also state the amount charged upon the said several Lands, and to whom and in what right the same shall be respectively payable. 10 15 20 25

50.
Comptroller
of Corn Re-
turns to pub-
lish Average
Price of Corn.

And be it Enacted, That immediately after the passing of this Act, and also in the month of January in every year, the Comptroller of Corn Returns for the time being, or such other person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the *London Gazette*, stating what has been during Seven Years, ending on the Thursday next before Christmas-day then next preceding, the average price of an imperial bushel of *British* Wheat, Barley and Oats, computed from the weekly averages of the Corn Returns. 30 35

51.
Rent-charges
to be valued
according to
the average
price of Corn.

And be it Enacted, That every Rent-charge charged upon any lands by any such intended Apportionment, shall be deemed at the time of the confirmation of such Apportionment as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of Wheat, Barley and Oats as the same would have purchased at the prices so ascertained by the Advertisement to be published immediately after the passing of this Act, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase of Barley, and the remaining 40

remaining Third part thereof in the purchase of Oats, and the respective quantities of Wheat, Barley and Oats so ascertained shall be stated in the draught of every Apportionment.

5 And be it Enacted, That it shall be lawful for the Valuers or Commissioners or any Assistant Commissioner, upon the request of any Land Owner, at any time before the confirmation of the Apportionment, to apportion the whole Rent-charge intended to be charged upon any Lands of such Land Owner, held under the same title and for the same Estate, specially upon the several closes or portions of such
10 Lands, or according to an acreable rate or acreable rates, upon Lands of different quality, in such manner and in such proportion, and to the exclusion of such of them, as the Land Owner, with the consent of the person entitled to such Rent-charge, may direct; and the particulars of every such special Apportionment shall be included in the draught of the Apportionment, and taken to be a part thereof: Provided
15 always, That the extra expenses of every such special Apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the Apportionment are recoverable; and that no close of Land shall be charged
20 with any Rent-charge or share of Rent-charge, on account of the Tithes of any other Lands, unless the value of such Lands shall be at least double the value of the whole Rent-charge upon such Lands.

52.
Rent-charge
may be
specially
apportioned.

25 And be it Enacted, That for the purpose of making any such Apportionment, as well as for the purpose of making any Award as hereinbefore provided, the Commissioners and Assistant Commissioners may employ such Land Surveyors and Tithe Valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping and planning, after any rate not exceeding Two Guineas to every
30 such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their Award or Apportionment respectively; and the said Commissioners and Assistant Commissioners and the Land Surveyors and Tithe Valuers employed by them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the Valuers appointed a
35 a parochial meeting, except that they shall not be bound to adopt any principles of Apportionment agreed to at any parochial meeting.

53.
Commissioners to have
the power of
Valuers as to
entry in
Lands, &c.

And be it Enacted, That the draught of every Apportionment, whether made by or under the direction of the Commissioners or any Assistant Commissioner, or by any Valuer or Valuers appointed as hereinbefore
40 is provided, shall be signed by the person by or under whose direction it shall have been made, and shall be sent, together with the Map or Plan therein referred to, by the person by whom it is signed, to the office of the Commissioners, or otherwise to some Assistant Commissioner as the Commissioners may direct, with such proof as the Commis-

54.
Apportionment to be annexed to the Award and sent to the Commissioners.

sioners may require, that every proceeding incident to the making of such draught of Apportionment has been duly performed.

55.
Com-
mis-
sioners may
hear and de-
termine ob-
jections to
Apportion-
ment.

And be it Enacted, That as soon as the Draught of any such Appor-
tionment verified as aforesaid shall have been sent to the Commissioners,
they shall cause a copy of the same to be deposited at some convenient
place within the said Parish for the inspection of all persons interested
in the said Lands or Tithes, and shall forthwith cause notice to be given,
in such manner as to them shall seem fit, where the said copy may
be inspected; and shall also in such notice appoint some convenient
place, and such times as they shall think necessary (the first not
earlier than Twenty-one Days from the first giving of such notice),
for holding a meeting to hear objections to the intended Apportionment,
by any person interested therein; and the said Commissioners or some
Assistant Commissioner at such meeting as aforesaid shall hear and de-
termine any objections which may be then and there made to the said
intended Apportionment, or adjourn the further hearing thereof, if they
or he shall think proper, to a future meeting, and may, if they or he
shall see occasion, direct any further valuation of the Lands or any of
them; and from time to time fix further meetings for the hearing
and determining of objections, of which further meetings, when not
holden by adjournment, notice shall be given in manner hereinbefore
directed with regard to the original meeting; and when the said
Commissioners or Assistant Commissioner shall have heard and de-
termined all such objections, they and he are and is hereby required
to cause such Apportionment to be amended accordingly, if they or
he shall see occasion.

56.
Confirmation
by the Com-
missioners.

And be it Enacted, That after such proceedings as aforesaid shall
have been had, and all such objections, if any, shall have been finally
disposed of, the Commissioners or Assistant Commissioner shall cause
the instrument of Apportionment to be ingrossed on parchment, and
shall annex the Map or Plan thereunto belonging to the ingrossed
instrument of Apportionment, and shall sign the instrument of Appor-
tionment, and the Map or Plan, and shall send both to the Office of
the Commissioners, and if the Commissioners shall approve the
Apportionment, they shall confirm the instrument of Apportion-
ment under their hands and seal, and shall add thereunto the date
of such confirmation; and Two copies of every confirmed instru-
ment of Apportionment shall be made, and sealed with the seal
of the said Commissioners; and one such copy shall be deposited in
the Registry of the Diocese within which the parish is situated, to
be there kept among the records of the said Registry; and the
other copy shall be deposited with the Incumbent and Church
or Chapel Wardens of the parish for the time being, or such
other fit persons as the Commissioners shall approve, to be kept
by them and their successors in office with the public books, writings
and

Transcripts of
the Award to
be sent to the
Registrar of
the Diocese,
and to the In-
cumbent and
Churchwar-
dens.

and papers of the Parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two words contained in such copy or extract; and every recital or statement in, or Map or Plan annexed to, such confirmed Apportionment, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

10 And be it Enacted, That the Commissioners, if they shall see fit, before confirming any Agreement, Award, or Apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any Lands or Tithes, or any other person to whom they may
15 think notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any Award or Apportionment to be amended accordingly.

57.
Commissioners may require notice of Agreements or Awards, to be given to Reversioner.

20 And be it Enacted, That no confirmed Agreement, Award or Apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto.

58.
Agreements, Awards and Apportionments not to be questioned after confirmation.

And be it Enacted, That from the First day of January next following the confirmation of every such Apportionment, the Lands of the said
25 Parish shall be absolutely discharged from the payment of all Tithes, except so far as relates to the liability of any Tenant at rack-rent dissenting as hereinafter provided; and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said Apportionment a sum of money equal in value, according to the
30 prices ascertained by the then next preceding advertisement, to the quantity of Wheat, Barley and Oats respectively mentioned therein to be payable instead of the said Tithes, in the nature of a Rent-charge, issuing out of the Lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the First day
35 of July and First day of January in every year, the first payment being on the First day of July next after the Lands shall have been discharged from Tithes as aforesaid, and such Rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after
40 every First day of January, the sum of money thenceforth payable in respect of such Rent-charge shall vary, so as always to consist of the price of the same number of bushels and decimal parts of a bushel of Wheat, Barley and Oats respectively, according to the prices ascertained by the then next preceding Advertisement, and any person entitled

59.
Lands to be discharged from Tithes, and Rent-charge paid in lieu thereof.

from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof, as are herein contained concerning the original Rent-charge: Provided always, That nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such Rent-charge.

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60.

Rent-charge
to be liable to
Parochial and
County Rates.

And be it Enacted, That every Rent-charge payable as aforesaid instead of Tithes, shall be subject to all Parliamentary Parochial and County Rates and Charges, in like manner as Tithes have heretofore been subject.

61.

Rent-charge
to be subject
to the same
incumbrances
and incidents
as Tithe
before this
Act.

And be it Enacted, That any person having any interest in or claim to any Tithes, or to any Charge or Incumbrance upon any Tithes, before the passing of this Act, shall have the same right to or claim upon the Rent-charge for which the same shall be commuted, as he had to or upon the Tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the Rent-charge had accrued after the Commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate in any such Rent-charge, shall be taken to be an estate of freehold, and every Estate in any such Rent-charge shall be subject to the same incidents as the like estate in the Tithes commuted for such Rent-charge, and no such Rent-charge shall merge or be extinguished in any Estate of which the person for the time being entitled to such Rent-charge may be seised or possessed in the Lands on which the same shall be charged: Provided always, That it shall be lawful for any Person seised in possession of an Estate in fee-simple or fee-tail of any such Rent-charge to release, assign or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the Lands on which the same shall have been charged.

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62.

Apportion-
ment may be
altered by
Commis-
sioners of
Land-tax if
desired.

And be it Enacted, That if at any time subsequent to the confirmation of any such instrument of Apportionment, the Owner of any Lands charged with any such Rent-charge shall be desirous that the Apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land-tax for the county or place where the said Lands are situate, or any Three of them, to alter the Apportionment in such manner and in such proportion, and to the exclusion of such of the Lands as the Land Owner, with the consent of Two Justices of the Peace acting for the County, Riding, Division or other Jurisdiction in which the Lands are situated, may direct, and such altered Apportionment shall be made by an instrument in writing under the hands and seals of the said Commissioners of Land-tax, and of the said Land Owner and Justices, of the like form and tenor as to the said

35

40

Lands,

Lands, as the original Apportionment, and bearing date the day of its execution by the said Commissioners of Land-tax, subject to the provision hereinbefore contained with respect to the value of Lands on which any Rent-charge may be charged on account of the Tithes of any other Lands; and every such altered Apportionment shall be as valid as if made and confirmed by the Tithe Commissioners as aforesaid, and shall be taken to be an Amendment of the original Apportionment; and in every such case Two counterparts of the instrument of altered Apportionment, under the hands and seals of the said Commissioners of Land-tax and Justices, and Land Owner, shall be sent, one to the Registrar of the Diocese, and one to the Incumbent and Church or Chapel Wardens, or other person having the custody of the other copy of the original instrument of Apportionment, and one counterpart shall be annexed to the copy of the instrument of Apportionment, in the custody of the Registrar and such other person respectively, and taken to be an Amendment thereof, and thenceforward such Lands shall be charged only according to such altered Apportionment, and all expenses of such alteration shall be borne by the Land Owner desiring the same.

And be it Enacted, That the Commissioners, or Assistant Commissioner in any case where they or he may see fit, may order such expenses of Witnesses, and of the production of any Books, Deeds, Contracts, Agreements, Accounts, or Writings, Terriers, Maps, Plans and Surveys, or copies thereof, and all other expenses (except the salary or allowance to any Commissioner or Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any Award or Apportionment before the said Commissioners or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively, or in the event of such suit difference or objection, and in such proportions, as the Commissioners or Assistant Commissioner shall think fit and reasonable.

63.
Expenses of
Witnesses to
be paid under
the direction
of the Com-
missioners.

And be it Enacted, That the allowances to and expenses of Land Surveyors and Tithe Valuers necessary for making any Award, and all other expenses of or incident to making the said Award, except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expenses which the Commissioners or any Assistant Commissioner, or any Court or Arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the Land Owners and Tithe Owners interested in the said Award, in such proportion time and manner as the Commissioners or Assistant Commissioner shall direct.

64.
Expenses of
making any
Award to be
paid by the
Land Owners
and Tithe
Owners as
the Commis-
sioners may
direct.

And be it Enacted, That all the expenses of or incident to making any Apportionment (except the salary or allowance to any Commis-

65.
Expenses of
Apportion-
ment to be

borne rate-
ably by the
Land Owners.

sioner or Assistant Commissioner, and except any expense which the Commissioners or Assistant Commissioner may be authorized and may have ordered to be otherwise paid) shall be borne and paid by the Owners of Lands included in the Apportionment, in rateable proportion to the sum charged on the said Lands in lieu of Tithes, by such Apportionment. 5

66.

Expenses
may be reco-
vered by
warrant of
distress.

And be it Enacted, That if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the Commissioners or some Assistant Commissioner to certify under their or his hand the amount to be paid by such person, and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any Two Justices of the Peace for the county or other jurisdiction wherein the Lands mentioned in the Agreement or Award or Apportionment are situate, such Justices upon the non-payment thereof are hereby required, by Warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any) after deducting the charges of the distress and sale to the person distrained upon. 10 15 20

67.

Owners of
particular
Estates may
charge the
Costs on the
Estate for
Twenty Years.

And be it Enacted, That every Owner of an estate in Land or Tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the Commissioners, and in such manner as they may direct, charge so much of the expenses of Commutation as is to be defrayed by him, or any part thereof, upon the Lands where of the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the charge upon such Lands or Rent-charge respectively shall be lessened in every year following such Commutation by One-twentieth part at least of the whole original charge thereon. 25 30

68.

Costs of
Ecclesiastical
Tithe Owners
may be
charged on the
Benefice for
Twenty Years.

And be it Enacted, That every Ecclesiastical beneficed Person who shall commute the Tithes of his Benefice under this Act, may advance or borrow the sum necessary to defray so much of the expenses of Commutation as is to be defrayed by him or any part thereof, and as a security for repayment, may charge or assign the Rent-charge to be received instead of such Tithes for Twenty Years, or until the principal sum advanced or borrowed, and the interest thereon, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One calendar Month next following, and also an instalment at the rate of Five Pounds for every Hundred Pounds of the 35 40

the principal sum advanced or borrowed, and in default of such payment the Ordinary may sequester the profits of the Benefice until such payments shall be made: Provided, That the Sum to be so advanced or borrowed, shall be ascertained and certified under the hand of any
 5 Commissioner or Assistant Commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed Person in relation to such Commutation.

And be it Enacted, that any Tenant or Occupier who at the time of such commutation shall occupy at rack-rent any Lands of which the
 10 Tithes shall be so commuted, may within One calendar Month next after the confirmation of the Apportionment by the Commissioners, signify by writing under his hand, given to or left at the usual residence of his Landlord or his Agent, his dissent from being bound to pay any Rent-charge apportioned and charged on the said Lands as aforesaid,
 15 and in that case such Landlord shall be entitled, from the time when the said Apportionment shall take effect, and during the tenancy or occupation of such Tenant or Occupier, to stand, as to the perception and collection of Tithes, or receipt of any Composition instead thereof, in the place of the Owner of the Tithes so commuted, and to have all the
 20 powers and remedies for enforcing render and payment of such Tithes or Composition, which the Tithe Owner would have had if the commutation had not taken place.

69.
 If Tenant of Lands at Rack-rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the tenancy.

And be it Enacted, That any Tenant or Occupier at the time of such commutation who shall have signified his dissent from being
 25 bound to pay any such Rent-charge as aforesaid or who shall hold his Lands under a lease or agreement, providing that the same shall be holden and enjoyed by him free of Tithes, and every Tenant or Occupier, who shall occupy any Lands by any lease or agreement made subsequently to such commutation, and who shall pay any such Rent-charge, shall be entitled to deduct the amount thereof from the rent
 30 payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

70.
 Tenant paying Rent-charge to be allowed the same in account with his Landlord.

And be it Enacted, That in case the said Rent-charge shall at any
 35 time be in arrear and unpaid for the space of Twenty-one Days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left Ten Days' notice in writing at the usual or last known residence of the Tenant in possession, to distrain upon the Lands liable to the payment thereof, or on any part
 40 thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for arrears of rent reserved on a common lease for years: Provided, That not more than Two Years' arrears shall at any time be recoverable by distress.

71.
 When Rent-charge is in arrear for 21 Days after half-yearly days of payment, the person entitled thereto may distrain.

72.
When Rent-
charges are in
arrear for 40
Days after
half-yearly
days of pay-
ment, Writ
to be issued
directing
Sheriff to
summon Jury
to assess
arrears.

And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any Judge of His Majesty's Courts of Record at *Westminster*, upon affidavit of the facts, to order a Writ to be issued, directed to the Sheriff of the county in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken, to some one of His Majesty's Courts of Law at *Westminster*, on a day therein to be named, either in Term time or Vacation; a copy of which Warrant, and notice of the time and place of executing the same, shall be given to the Owner of the Land, or left at his last known place of abode, or with his known agent, Ten Days previous to the execution thereof; and the Sheriff is hereby required to execute such Warrant according to the exigency thereof; and the costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have possession of the Lands chargeable therewith until the arrears of Rent-charge found to be due and the said costs, and also the costs of such Writ and of executing the same, and of cultivating and keeping possession of the Lands, shall be fully satisfied: Provided always, That not more than Two Years' arrears over and above the time of such possession shall be at any time recoverable.

73.
Account, how
to be ren-
dered.

And be it Enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ, from time to time to render an account of the rents and produce of the Lands and of the receipts and payments in respect of the same; and on satisfaction of such arrears of Rent-charge and all costs and expenses as aforesaid, to order a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by rule or order of such Court or Judge from time to time to give such summary relief to the parties as to the said Court or Judge shall seem fit.

74.
Powers of
Distress and
Entry to ex-
tend to all
Lands within
the Parish
occupied by
the Owner, or
under the
same Land-
lord or
holding.

And be it Enacted, That whenever any Rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any Apportionment which may have been made of any such Rent-charge, every part of the Land situate in the parish in which such Rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the Lands on which such Rent-charge so in arrear shall have been charged, whether such Land shall be occupied by the person occupying the same as the owner thereof or as tenant thereof,

thereof, holding under the same landlord under whom he occupies the Land on which such Rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether charge-
 5 able on the Lands on which such distress is taken, or such entry made, or upon any other part of the Lands so occupied or holden: Provided always, That no Land shall be liable to be distrained or entered upon for the purpose of satisfying any such Rent-charge charged upon Lands which shall have been washed away by the sea, or otherwise
 10 destroyed by any natural casualty.

And be it Enacted, That the several provisions of an Act passed in the fourth and fifth years of His present Majesty, intituled, "An Act to amend an Act of the eleventh year of King GEORGE the Second, respecting the Apportionment of Rents, Annuities and other periodical
 15 Payments," shall extend to all Rent-charges payable under this Act.

And be it Enacted, That if any barns or buildings belonging to any Tithe Owner, having a limited estate or interest therein, which shall have been generally used for the housing of Tithes paid in kind, shall be rendered in the whole or in part useless, by reason of any Commu-
 20 tation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the consent, nevertheless, of the Commissioners, and subject to such directions as they may give to be signified under their hands and seal), to pull down any such barns or buildings, or any part thereof, and to sell and dispose of the materials, or to sell and dis-
 25 pose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings, or homesteads thereunto belonging in such manner as the Commissioners may direct; and upon payment of the consideration money, it shall be lawful for every such Tithe Owner (with such consent as aforesaid) to convey and
 30 deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct, and the consideration money in each case shall be paid to such Tithe Owner, and his receipt shall be a good discharge to the purchaser, and such Tithe Owner shall lay out and invest the consideration money in such
 35 manner and for such trusts as the Commissioners shall direct for the benefit of the persons entitled to the said Rent-charge.

And be it Enacted, That it shall be lawful for the Lessee being in occupation of any Tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the Commissioners shall direct, and confirmed under their seal, to surren-
 40 der and make void the Lease by which the said Tithes are held or enjoyed by such Lessee at the time of the commutation, so far as the same may relate to the said Tithes; and it shall be lawful for the Commissioners, by the same instrument, to direct what compensation

75.
Apportion-
ment of Rent-
charge, in
cases of death
or removal,
&c.

76.
Provisions for
the sale of
Buildings and
the sites
thereof ren-
dered useless
or unneces-
sary by the
Commutation
of Tithes.

77.
CLAUSE (C.)
Leases of
Tithes may be
surrendered.

(if any) shall be given by the immediate Lessor of any Lessee at rack rent so surrendering any Lease of any such Tithes to such Lessee, and what allowance (if any) shall be made by any Lessee to his immediate Lessor of any such surrendered Lease, in consideration of the non-fulfilment of any conditions contained in such Lease, and what deduction (if any) shall be made from the Rent thenceforth payable by any Lessee to his immediate Lessor in respect of other Hereditaments which may have been included with the said Tithes in any such Lease : Provided always, That any intermediate Lessor to whom any such Lease shall have been surrendered shall as regards his immediate Lessor be taken to be the Lessee in occupation of the Tithes included in the said Lease.

78.
Tithes due before this Act, not to be affected.

And be it Enacted, That nothing in this Act contained shall affect any right to any Tithes which shall have become due before the Commutation.

79.
Act not to extend to Easter Offerings, &c. or to payments instead of Tithes in London, or to permanent Rent-charges by custom or Act of Parliament.

And be it Enacted, That nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the Commissioners, in which case the same shall be valid, shall extend to any Easter Offerings, Mortuaries or Surplice Fees, or to the Tithes of fish, or of fishing, or to any Personal Tithes other than the Tithes of mills, or any mineral Tithes, or to any Payment instead of Tithes, arising or growing due within the City of *London*, or to any permanent Rent-charge or other rent or payment in lieu of Tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements, the Tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

80.
Advertisements, Contracts and Awards not to be liable to Stamp Duty.

And be it Enacted, That no Advertisement inserted by direction of the Commissioners or any Assistant Commissioner, or by any Tithe Owner or Land Owner in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

81.
Correspondence of Commissioners, relating to this Act, to be free of Postage.

And be it Enacted, That the said Commissioners may receive and send by the General Post from and to places in *England* and *Wales* all Letters and Packets relating exclusively to the execution of this Act, free from the duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their Office in *London*, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in covers, with the words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the outside thereof under such words with the Name of such

such Person in his own handwriting as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them shall appoint, (such Name to be from time to time sent to the Secretary of the General Post Office in *London*,) and be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act; or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any Letter, Paper or Writing, or any Enclosure other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office; one moiety of such penalty shall be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

And be it Enacted, That if any person, under the provisions of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury; and if any person shall make or subscribe a false Affidavit or Declaration for the purposes of this Act, he shall suffer the penalties of Perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, deed, contract, agreement, account or writing, terrier, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

82.
False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

And be it Enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire or Surveyor, for any thing done under the authority of this Act, until Twenty-one Days' notice thereof shall have been given in writing to the party against whom such Action or Suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after Three calendar Months shall have expired from the commission of the act for which such Action or Suit shall be so brought, and every such Action shall be brought, laid and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of Action or Suit was brought before Twenty-one Days' notice thereof given as aforesaid, or that sufficient amends

83.
Limitation of Actions against Commissioners, Assistant Commissioners, Justices, &c.

were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the time before limited in that behalf, or such Action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the Court, upon summary application by motion in any such Suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such Suit shall be dismissed upon application as aforesaid, or if the plaintiff in such Action or Suit shall become nonsuit, or suffer a discontinuance of such Action, or if upon any demurrer in such Action or Suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges and expenses, as between attorney and client.

84.
Proceedings
under this
Act not to be
quashed for
want of form,
nor to be
removed by
Certiorari.

And be it Enacted, That no Order, Adjudication or Proceeding made or had by or before the Commissioners, or any Assistant Commissioner under the authority of this Act, or any Proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by Certiorari, or any other writ or process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

85.
Limits of Act.

And be it Enacted, That this Act shall extend only to *England* and *Wales*.

Tithes Commutation.

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

For the Commutation of Tithes in *England*
and *Wales*.

(Prepared and brought in by
Lord John Russell, Lord Viscount Howick, and
Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed,
20 May 1836.

17 June 1836.—6 WILL. IV.



A

B I L L

[AS AMENDED ON THIRD RE-COMMITMENT]

For the Commutation of Tithes in *England* and *Wales*.

[N. B.—The Clause marked (A.) was added on the first Re-commitment; the Clauses marked (B.) and (C.) were added on the Second Re-commitment; and the Clause marked (D.) was added on the Third Re-commitment.]

WH E R E A S it is expedient to amend the Laws relating to Tithe in *England* and *Wales*, and to provide the means for an adequate compensation for Tithe, and for the commutation thereof; **B**E it therefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint Two fit persons to be Commissioners to carry this Act into execution, and from time to time at pleasure to remove them, or either of them, and that it shall be lawful for the Archbishop of *Canterbury*, under his hand and archiepiscopal seal, to appoint One fit person to be a Commissioner to carry this Act into execution, and from time to time at pleasure to remove the Commissioner so appointed by him; and upon every vacancy in the Office of Commissioner some other fit person shall be appointed to the said Office, in the same manner and by the same authority as the Commissioner whose vacancy is thereby supplied; and until such appointment, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.
Appointment of Commissioners.

2.
Style of Commissioners.

To have Common Seal.

And be it Enacted, That the said Commissioners shall be styled "THE TITHE COMMISSIONERS FOR ENGLAND AND WALES," and shall have their office in *London* or *Westminster*; and they, or any Two of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Agreements

Awards, &c.
purporting to
be sealed with
Seal of Com-
missioners, to
be received as
Evidence.

and Awards confirmed by the said Commissioners in pursuance of this Act; and all such Agreements and Awards, and other instruments proceeding from the said Board, or copies thereof purporting to be sealed or stamped with the Seal of the said Board, shall be received in evidence, without any further proof thereof; and no Agreement or Award shall be of any force, unless the same shall be sealed or stamped as aforesaid. 5

3.
Commission-
ers to report
to Secretary
of State.

And be it Enacted, That the said Commissioners shall from time to time give to any One of His Majesty's Principal Secretaries of State, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall Once in every year send to one of the Principal Secretaries of State a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next Meeting thereof. 10 15

Annual Report
to be laid be-
fore Parlia-
ment.

4.
Power to
appoint As-
sistant Com-
missioners,
Secretary, and
Assistant Se-
cretary.

And be it Enacted, That it shall be lawful for the Commissioners, subject to the approval of one of His Majesty's Principal Secretaries of State, from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a Secretary and Assistant Secretary, and with the like approval, to remove such Assistant Commissioners, Secretary or Assistant Secretary, or any of them, and on any vacancy in any of the said Offices to appoint, subject to the like approval, some other Person to the vacant Office, and the persons so appointed shall assist in carrying this Act into execution, at such places and in such manner as the said Commissioners may direct. 20 25

5.
Commission-
ers not to sit
in the House
of Commons.

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid, shall, during his continuance in such Office, be capable of being elected, or of sitting as a Member of the House of Commons. 30

6.
Lords of the
Treasury to
appoint Clerks,
and other
Officers.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, may, on application by the said Commissioners, from time to time appoint all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time remove such Clerks, Messengers and Officers, or any of them, and appoint others in their stead. 35

7.
Operation of
Act as to ap-
pointment of
Commission-
ers, &c.
limited to
Five Years.

And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer period than Five Years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration 40

expiration of the said period of Five Years, and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

- And be it Enacted, That the Salaries of the Commissioners, the
 5 Allowance to the Assistant Commissioners, and the Salaries of the
 Secretary, Assistant Secretary, Clerks, Messengers and other Officers
 to be appointed under this Act, shall be from time to time regulated by
 the Lord Treasurer or the Lords Commissioners of His Majesty's
 Treasury, or any Three of them: Provided always, That the Salary of a
 10 Commissioner shall not exceed the sum of One thousand Five hundred
 Pounds a year, nor the Allowance to an Assistant Commissioner the sum
 of Three Pounds for every day that he shall be actually employed, or
 travelling in the performance of the duties of his office; nor the Sala-
 ries of the Secretary or Assistant Secretary the sum of Eight hundred
 15 Pounds a year; and that the Salaries of the Clerks, Messengers and other
 Officers shall be in fit proportion: Provided also, That the said Lord
 Treasurer or Lords Commissioners may allow to any Commissioner,
 Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Mes-
 senger or other Officer, any such reasonable travelling and other
 20 expenses as may have been incurred by him in the performance
 of his duties under this Act, in addition to his Salary or Allowance
 respectively.

- And be it Enacted, That the Salaries, Allowances and Traveling
 and other Expenses of the Commissioners, Assistant Commissioners,
 25 Secretary, Assistant Secretary, Clerks, Messengers and Officers as
 aforesaid, and all other incidental expenses of carrying this Act into
 execution, not herein otherwise provided for, shall be paid by the
 Lord Treasurer or the Lords Commissioners of His Majesty's Treasury,
 out of the Consolidated Fund.

- And be it Enacted, That every such Commissioner and Assistant
 30 Commissioner shall, before he shall enter upon the execution of his
 Office, make the following Declaration before one of the Judges of His
 Majesty's Courts of King's Bench or Common Pleas, or one of the
 Barons of the Court of Exchequer; (that is to say)

- "I, A. B., do declare, That I will faithfully, impartially and honestly,
 35 according to the best of my skill and judgment, fulfil all the
 Powers and Duties of a Commissioner [*or, Assistant Com-
 missioner, as the case may be,*] under an Act passed in the
 sixth year of the reign of King WILLIAM the Fourth, intituled,
 40 [*here set forth the Title of this Act.*]"

And the Appointment of every such Commissioner and Assistant Com-
 missioner, with the time when, and the name of the Judge or Baron before
 whom he shall have made the declaration aforesaid, shall be forthwith
 published in the *London Gazette*.

11.
Commissioners or Assistant Commissioners may summon and examine Witnesses.

And be it Enacted, That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the Commutation of Tithe, and also 5
make any inquiries, and call for any answer or returns as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans and surveys, or copies thereof respectively, in anywise 10
relating to any such matter; or in lieu of requiring such oath as aforesaid, the said Commissioners, or Assistant Commissioner, may require any such person to make and subscribe a declaration of the truth of his examination: Provided always, That no such person shall be required, in obedience to any such summons, to travel more than 15
Ten Miles from the place of his abode, or to produce any deeds, papers or writings relating to the title of any Lands or Tithes.

12.
Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners as the said Commis- 20
sioners shall think fit; (except the power to confirm Agreements and Awards, or to frame forms of agreements and other instruments as hereinafter provided, or to do any act herein required to be done under the seal of the said Commissioners) and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; 25
and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had pro- 30
ceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner.

13.
Meaning of the words
"Person,"
"Lands,"
"Tithes,"
"Parish,"
"Parochial,"
"Land Owner,"
"Tithe Owner,"
as used in this Act.

And be it Enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "Person" shall mean and include 35
The King's Majesty, and any body corporate, aggregate or sole, as well as an individual; and any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only, shall 40
mean and include a female as well as a male; and the word "Lands" shall mean and include all messuages, lands, tenements and hereditaments; and the word "Tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "Parish" and
"Parochial"

“Parochial” shall mean and include and extend to every parish and every extra-parochial place, and every township or village within which Overseers of the Poor are separately appointed under the provisions of an Act passed in the thirteenth and fourteenth years of his late Majesty King CHARLES the Second, intituled, “An Act for the better Relief of the Poor of this Kingdom,” and every district of which the Tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the Commissioners shall by any order direct to be considered as a separate district for the commutation of Tithes; and the words “Land Owner” or “Tithe Owner” or “Owner of Lands” or “Owner of Tithes” shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any Lands or Tithes (except any Tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any Tenant for years whatsoever, holding under a lease or agreement for a lease for a term which shall not have exceeded Fourteen Years from the commencement thereof), and that without regard to the real amount of interest of such person; and in every case in which any Tithes or Lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded Fourteen Years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease, shall, jointly with the person who shall be in the actual possession or occupation of such Tithes or Lands, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any Tithes or Lands under any sequestration, extent, elegit or other writ of execution, or as a receiver under any order of a Court of Equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands.

Where Parties to be deemed Joint Owners.

And be it Enacted, That whenever the Ownership of any Lands or Tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty’s Woods, Forests and Land Revenues for the time being, or in case such Lands or Tithes shall be vested in His Majesty, in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Chancellor of the Duchy of *Lancaster* or the Officers or Council of the Duchy of *Cornwall*, entitled to grant Leases of Lands parcel of the Duchy of *Cornwall*, shall, for the purposes of this Act, be substituted instead of

14. When Ownership of Lands or Tithes or Patronage is vested in the Crown, who to be deemed the Owner, or Patron.

the Owner of such Lands or Tithes respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is of the yearly value of Twenty Pounds or upwards in the King's Books, and where such value is below the value of Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, That if such patronage is vested in His Majesty in right of the Duchy of *Lancaster* or the Duchy of *Cornwall*, the respective Chancellors for the time being of such Duchies shall for the purposes of this Act be substituted instead of the Patron.

15.
When the same Person is Owner of Lands and Owner of Tithes, he may be dealt with in both characters.

And be it Enacted, That whenever any person shall be at the same time Owner of any Lands and Owner of any Tithes comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being Owner of any Lands or of any Tithes, shall also be Patron of the Benefice to which the Tithes in question may belong, such person, in relation to such Agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

16.
In case Patron or Owner is under legal disability, who to act.

And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any Tithes shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such Patron, Owner, or person so interested

17.
Acts may be done by Agents.

And be it Enacted, That all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent of such person, unless there be something in the subject or context repugnant to such construction.

18.
Parochial Meetings may be called, at which Owners of Two-thirds in value may agree on the sum to be paid to the Tithe Owners, which Agree-

And be it Enacted, That any one or more of the Land Owners or Tithe Owners, whose interest respectively shall not be less than One-fourth part of the whole value of the Lands subject to Tithes, or One-fourth part of the whole value of the Tithes of any Parish in *England* or *Wales*, may call a parochial meeting of Land Owners and Tithe Owners within the limits of the Parish, by notice thereof in writing under his or their hand, to be affixed at least Twenty-one Days before such meeting

on

on the principal outer door of the church, or in some public and conspicuous place within the limits of the Parish, and to be Twice at least, during such Twenty-one Days, inserted in some newspaper generally circulated within the county in which such Parish is situated, for the purpose of making an agreement for the general Commutation of Tithes within the limits of such Parish; and every Land Owner and Tithe Owner attending such meeting shall bear his own expenses of attendance; and the Land Owners and Tithe Owners who shall be present at any such meeting called as aforesaid, and whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way of rent-charge, variable as herein- after provided, instead of the Great and Small Tithes of the Parish collectively, or instead of the Great Tithes and Small Tithes severally to the respective Owners thereof in the said Parish; and every agreement so made and executed and confirmed in manner hereinafter mentioned shall be binding on all persons interested in the Tithes or Lands subject to Tithes of the said Parish.

ment shall
bind the whole
Parish.

And be it Enacted, That the majority of such Land Owners and Tithe Owners present at every such meeting shall elect a Chairman, who shall forthwith proceed to ascertain the interest of the Land Owners and Tithe Owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an Agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional Agreement for the commutation of Tithes of the like form and tenor; and every such provisional Agreement which shall be executed within Six calendar Months from the day of the first making thereof by the Land Owners and Tithe Owners, whose interest in the Lands and Tithes of the Parish shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the Parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the Agreement was first made.

19.
Provisional
Agreements
may be
made at the
Parochial
Meetings.

Provided always, and be it Enacted, That the proportional interest of the Owners of such Lands or Tithes, so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the Commissioners or Assistant Commissioners, as hereinafter provided, shall be estimated according to the proportional sum at which such Lands or Tithes shall be rated to the relief of the

20.
Proportional
interest in
Lands and
Tithes, how
to be estima-
ted for the
purposes of
this Act.

poor, or if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor.

21.
Meeting
may be
adjourned.

And be it Enacted, That in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the Chairman shall adjourn the meeting to any time and place then by him to be declared, and notice of every adjourned meeting shall be given under the hand of the Chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

22.
Form of
Parochial
Agreement.

And be it Enacted, That every such Agreement shall bear date on the day on which the first signature is attached thereto, and every such Agreement or some Schedule thereunto annexed shall set forth all the Lands of the said Parish which are subject to the payment of any kind of Tithes, and also the true or estimated quantity in statute measure of Land subject to Tithes within the Parish, which shall be then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall also set forth whether any Modus or Composition real or prescriptive or customary payment, shall be payable instead of all or any of the Tithes of the said Parish, and which Lands or Tithes respectively are covered thereby, and shall also set forth which of the said Tithes, Moduses, Compositions or Payments are payable to the Tithe Owner, or if there are more than one Tithe Owner to each of the several Tithe Owners in the said Parish, distinguishing in what right every such Tithe Owner is entitled to such Tithes, and shall also set forth whether any and which of the Lands of the said Parish are under any and what circumstances exempt from the payment of any and what Tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided), instead of the Tithes of the Lands comprised in the said agreement, and instead of all Moduses and Compositions real, prescriptive and customary payments (if any) payable in respect of such Lands, or the produce of such lands or any of them; distinguishing, if there is more than one Tithe Owner, the sum payable to every such Tithe Owner, and where the Tithes of different Lands in the same Parish are payable to different Tithe Owners, or to the same Tithe Owner in different rights, distinguishing the sum payable in respect of such different Lands; and every such Agreement shall also state all such other particulars as the Commissioners shall by any order from time to time require to be inserted in such Agreements.

And

And be it Enacted, That the Commissioners shall frame and cause to be printed as soon as conveniently may be after their appointment, Forms of Notices and Agreements, and such other Instruments as in their judgment will further the purposes of this Act, and supply all or
 5 any of such forms to the Churchwardens and Overseers of any parish who may require the same, or to whom the Commissioners may think fit to send the same, for the use of any Land Owner or Tithe Owner desirous of putting this Act in execution.

23.
 Commissioners to frame and circulate Forms of Agreements, &c.

And be it Enacted, That any Commissioner or Assistant Commis-
 10 sioner, if the Commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no Commissioner or Assistant Commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the
 15 Commissioners, in case of an award or apportionment by the Commissioners, as hereinafter provided.

24.
 Commissioner or Assistant Commissioner may attend to advise terms of Agreement.

And be it Enacted, That if any Suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Pay-
 20 ment, or any claim of exemption from or non-liability to Tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the Owners,
 25 or if there shall be no Owner actually in possession, for the persons claiming to be the Owners of the Lands and Tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's
 30 Courts of Record, upon such terms of reference as the parties may agree upon, and the decision of the Arbitrator or Arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons.

25.
 Suits and differences may be referred to Arbitration.

And be it Enacted, That every Agreement for the commutation for
 35 a Rent-charge of the Tithes of any Lands which shall be pending at the time of the passing of this Act, and which shall be executed within Six calendar Months after the passing of this Act by the Land Owners and Tithe Owners, or persons claiming to be such Owners, whose interest in the said Lands and Tithes shall not be less than Two-
 40 thirds of the said Lands, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the said Lands, and which shall be confirmed by the Commissioners, under their hands and seal, in the

26.
 Agreements pending at the time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as parochial agreements.

manner hereinafter provided for the confirmation of any Parochial Agreement, shall be as valid, and the rent-charge agreed to be paid by any such Agreement shall be apportioned and charged, as hereinafter provided, among and upon the said Lands, as if the Agreement had been made and executed at a parochial meeting.

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27.

Consent of Patron to be given to every Agreement for Commutation of Ecclesiastical Tithe.

Provided always, and be it Enacted, That in every case in which any Tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such Tithes made and executed under this Act shall be deemed to be executed by the Owner of such Tithes, unless such consent thereto be given as is hereinafter mentioned; (that is to say) in the case of an Archbishop or Bishop, the consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the Incumbent of any other benefice or ecclesiastical dignity, the consent of the Patron or person entitled to present to such benefice or dignity, in case the same were then vacant, and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

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28.

Agreement to be confirmed by the Commissioners.

And be it Enacted, That every such Agreement, as soon as may be after it shall have been executed by a sufficient number of Land Owners and Tithe Owners whose interest in the Lands and Tithes of the Parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the great Tithes, and Two-thirds of the small Tithes, shall be sent by the Chairman of the Meeting, or by the person in whose custody it shall then be, to the office of the Commissioners, and the Commissioners, by themselves, or by some assistant Commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the Agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the Agreement under their hands and seal, and shall add to such Agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in such manner as to them shall seem fit; and every such confirmed Agreement shall be binding on all persons interested in the said Lands or Tithes.

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29.

Appointment of Valuers.

And be it Enacted, That at the said meeting, or at some adjournment thereof, or at some other parochial meeting, to be called in like manner, either before or after the confirmation of the Agreement, the Owners of Lands subject to Tithes in the said Parish, or their agents

agents present at the meeting, shall appoint Two or such other even number of Valuers as shall be then agreed on by such Land Owners ; half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest of such Land Owners then present: Provided always, That the same person or persons may be chosen by each majority.

And be it Enacted, That as soon as may be after the choosing of such Valuers, and after the confirmation of the said Agreement, the Valuers so chosen shall apportion the total sum agreed to be paid by way of rent-charge instead of Tithes, and the expenses of the apportionment, amongst the several Lands in the said Parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the Valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the Valuers, then having regard to the average titheable produce and productive quality of the Lands, according to the discretion and judgment of the Valuers, but subject in each case to the provisions hereinafter contained, and so that in each case the several Lands shall have the full benefit of every Modus and Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable; provided that if the said Valuers, when more than One is chosen, shall not agree with respect to the apportionment, or any part thereof, it shall be lawful for them, by any writing under their hands, to appoint an umpire, and the decision of the umpire on the questions in difference between the Valuers shall be binding on them, and shall be adopted by them in the apportionment.

30.
Valuers to apportion the Rent-charge.

And be it Enacted, That the said Valuers and Umpire (if appointed) and their agents or servants at all reasonable times may enter upon any of the Lands to be included in the apportionment, and make an admeasurement, plan and valuation of the same, without being subject to any action or molestation for so doing: Provided always, That no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners, or some Assistant Commissioner or Justice of the Peace, the declaration hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person instead of the word Commissioner, and adding to his signature the usual place of his residence, which declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice to administer, and every such declaration so made and subscribed shall be countersigned by the person

31.
Valuers may enter on Lands for the purpose of valuing Tithes.

person before whom the same shall have been made, and shall be sent by him to the office of the Commissioners.

32.
Old Plans and
Surveys may
be used, if the
Valuers think
proper.

And be it Enacted, That the Valuers or Umpire may, if they think fit, use for the purposes of this Act, any Admeasurement, Plan or Valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied. 5

33.
After 1st of
October
1837, Com-
missioners
may ascertain
total value of
Tithes in any
Parish in
which no
previous
Agreement
made.

And be it Enacted, That after the First day of October One thousand eight hundred and Thirty-seven, the Commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total sum to be paid by way of Rent-charge instead of the Tithes of every Parish in *England and Wales* in which no such agreement binding upon the whole Parish as aforesaid shall have been made and confirmed as aforesaid: Provided nevertheless, That if any proceeding shall be had towards making and executing any such agreement after the Commissioners shall have given, or caused to be given, notice of their intention to act as aforesaid in such Parish, the Commissioners may refrain from acting upon such notice if they shall think fit, until the result of such proceeding shall appear. 10 15 20

34.
Value of
Tithes to be
calculated
upon an
average of
Seven Years.

And be it Enacted, That in every case in which the Commissioners shall intend making such Award, notice thereof shall be given in such manner as to them shall seem fit, and after the expiration of Twenty-one Days after such notice shall have been given, the Commissioners, or some Assistant Commissioner, shall proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing) of the Tithes of all titheable matters arising in the said parish, according to the average of Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five: Provided, That if during the said period of Seven Years, or any part thereof, the said Tithes, or any part thereof, shall have been compounded for, or demised to the occupier of any of the said Lands, in consideration of any rent or payment instead of Tithes, the amount of such composition or rent, or sum agreed to be paid instead of Tithes, shall be taken as the clear value of the Tithes included in such composition, demise or agreement during the time for which the same shall have been made; and the Commissioners or Assistant Commissioner shall award the average value of the said Seven Years so ascertained as the sum to be taken for calculating the Rent-charge to be paid as a permanent commutation of the said Tithes: Provided also, That in estimating the value of the said Tithes, the Commissioners or Assistant Commissioner 25 30 35 40

Tithes to be
valued as
chargeable to

missioner shall estimate the same as chargeable to all Parliamentary, Parochial, County and other Rates, charges and assessments to which Tithes are liable; and whenever the said Tithes shall have been demised or compounded for on the principle of the rent or composition being paid, free from all such rates, charges and assessments, or any part thereof, the said Commissioners or Assistant Commissioner shall have regard to that circumstance, and shall make a fair addition on account thereof.

Provided always, and be it Enacted, That in case notice in writing under the hands of any Land Owners or Tithe Owners whose interest in the Lands or Tithes of the Parish shall not be less than One-half of the Lands subject to Tithes, One-half of the great Tithes or One-half of the small Tithes of the Parish shall be given to the Commissioners, or Assistant Commissioner acting in that behalf, within One calendar Month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent Commutation of the great or small Tithes of the said Parish, the Commissioners shall have power to diminish or increase the sum to be so taken, by a sum amounting to not more than One-fifth part of the average value, ascertained as aforesaid: Provide d always, That every case which shall appear to the Commissioners to be fraudulent or collusive, shall be reserved for separate adjudication, as hereinafter provided; and the Commissioners shall certify and report to One of His Majesty's Principal Secretaries of State, under their Hands and Seals, before the First day of May, in the year One thousand eight hundred and thirty-seven, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the Assistant Commissioners as may to them seem expedient, and every such report shall be laid before Parliament within Six Weeks after the same shall have been received, or after the meeting of Parliament; and, unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners in the exercise of the discretion hereby vested in the Commissioners.

35.
Extreme cases, how to be modified.

And be it Enacted, That the Commissioners shall from time to time report to one of His Majesty's Principal Secretaries of State, under their hands and seals, all the cases which, under the power hereinbefore reserved to them in that behalf shall have been reserved for separate adjudication, and shall state in every such report the reasons for so reserving every case mentioned therein, and the Commissioners shall in every such case award the Rent-charge to be paid as a permanent

36.
CLAUSE (D.)
Special Adjudications, how to be made.

manent commutation for Tithes, according to the average rate which shall be awarded in respect of Lands of the like description and similarly situated in the neighbouring parishes, or as near thereunto as the circumstances of each case may in their judgment require: Provided always, That a draught of such intended award, with a copy of so much of the said report as is applicable to such award, shall be deposited in the Parish, and the Commissioners, or an Assistant Commissioner to be specially appointed by the Commissioners for that purpose, shall hear and determine all objections to the award in the like manner as is herein provided in an ordinary case of award, and the Commissioners shall have power thereupon to amend the draught of the said award accordingly.

37.
How the Tithe
of Wood,
Hops, Fruit,
and Garden
produce is to
be valued.

And be it Enacted, That in case any of the Lands in the Parish shall be Hop-grounds, Orchards, Coppices or Gardens, and notice shall be given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average rate of composition for the Tithes of Hops, Fruit, Coppice Wood and Garden produce respectively during Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, within a district to be assigned in each case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the Parish, ascertained as aforesaid.

38.
CLAUSE (B.)
Provision for
the change of
culture of
Hop Grounds
and Market
Gardens.

And be it Enacted, That the amount which shall be charged by any such apportionment, upon any Hop Grounds or Market Gardens in any district so to be assigned, shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge; and the Extraordinary Charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the Valuers, or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such commutation, shall be charged after the Thirty-first day of December next following such change of cultivation, only with the ordinary charge upon such Lands, and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens, at any time after such Commutation, shall be charged with an additional amount of Rent-charge

charge per imperial acre, equal to the Extraordinary Charge per acre upon Hop Grounds or Market Gardens respectively in that District: Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation; and an additional Rent-charge, by way of Extraordinary Charge upon Hop Grounds and Market Gardens, newly cultivated as such beyond the limits of every District in which any Extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any Person interested therein, if such new cultivation shall have taken place during the continuance of the Commission of the said Commissioners, and after the expiration of the Commission, shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner, and subject to the same incidents in all respects as an Extraordinary Charge charged upon any Hop Grounds or Market Gardens at the time of Commutation.

And be it Enacted, That if any Modus or Composition real, or prescriptive or customary Payment shall be payable instead of the Tithes of any of the Lands or produce thereof in the said Parish, the Commissioners or Assistant Commissioner shall in such case estimate the amount of such Modus, Composition or Payment as the value of the Tithes payable in respect of such Lands or produce respectively, and shall add the amount thereof to the value of the other Tithes of the Parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to Tithes of any Lands, or any part of the produce of such Lands: Provided also, That if it shall appear to the said Commissioners or Assistant Commissioner, that any question concerning any Modus or Composition real, prescriptive or customary Payment, or claim of exemption from or non-liability to the payment of Tithes relating to the Lands in question, shall have been decided by competent authority before the making of the said Award, the Commissioners or Assistant Commissioners shall act on the principle established by such decision, and shall make their Award, as if such decision had been made at the beginning of the said period of Seven Years.

39.
Moduses, &c.
how to be
allowed for
in the Award.

And be it Enacted, That if any suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary Payment, or any claim of exemption from, or non-liability, under any circumstances, to the payment of any Tithes in respect of any Lands or

40.
Commis-
sioners may
hear and
determine
disputes.

any kind of produce, or touching the situation or boundary of any Lands, or if any difference shall arise whereby the making of any such Award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner to appoint a time and place in or near the Parish for hearing and determining the same; and the decision of the Commissioners or Assistant Commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained. 5

41.
Subject to
Appeal by an
Issue at Law.

Provided always, and be it Enacted, That any person claiming to be interested in any Lands, or in the Tithes thereof, who shall be dissatisfied with any such decision of the Commissioners or Assistant Commissioner, may, if the yearly value of the payment to be made or withholden according to such decision shall exceed the sum of Twenty Pounds, cause an action to be brought in any of His Majesty's courts of law at *Westminster* against the person in whose favour such decision shall have been made, within Three calendar Months next after such decision shall have been notified in writing, in such manner as the Commissioners or Assistant Commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term, or at the assizes then next or next but one after such action shall have been commenced, to be holden for the county within which such Lands, or the greater part thereof, are situated, with liberty nevertheless for the court in which the same shall have been commenced, or any Judge of His Majesty's courts of law at *Westminster*, to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance, or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any Judge of His Majesty's courts of law at *Westminster*; and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any Judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers and writings, terriers, maps, plans and surveys relating to the matters in issue in their respective custody or power; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict 10 15 20 25 30 35 40

verdict which shall be given in any such action, or the judgment of the court upon the case, subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: Provided also, That in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said Commissioners or Assistant Commissioner, at the request of the person dissatisfied, (such request to be made in writing within Three calendar Months after such decision, and at least Fourteen Days previous notice in writing of such request, to be given in like manner to the other parties in difference, or to their known agents), shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at *Westminster*, as the Commissioners or Assistant Commissioner shall think fit, which case shall be settled by them or him or under their or his direction, in case the parties differ about the same; and may be set down for argument and be brought before the court in like manner as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein: Provided always, That after such verdict given and not set aside by the court, or after such decision of the court, the said Commissioners or Assistant Commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court, and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said court.

Or by taking the opinion of a Court of Law thereon.

And be it Enacted, That no proceeding of or before the Commissioners or any Assistant Commissioner, or in any action, or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

42.
Proceedings not to abate by Death of Parties.

And be it Enacted, That if any person in whose favour any such decision of the Commissioners or any Assistant Commissioner shall have been made, shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner with process and notices relating thereto, in the

43.
In case of Deaths of Parties before Actions brought, &c. the same to be carried on and defended in their Names.

same manner as the person deceased might have been served therewith if living ; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case, and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action, or the decision upon such case, as if such person had been living, and the costs of every such action or case shall be in the discretion of the court as aforesaid.

44.
Statutes of
Limitation
not to be
affected.

Provided always, and be it Enacted, That nothing in this Act contained shall revive any right to Tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of Modus Decimandi, or exemption from or discharge from Tithes, or for the limitation of actions and suits relating to real property.

45.
Commis-
sioners to
award total
sum to be
paid for the
Tithes of the
Parish.

And be it Enacted, That as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences, then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total value of all the Tithes of the said Parish, the Commissioners or Assistant Commissioner shall frame the draft of an Award, declaring that the sum ascertained as aforesaid shall be the amount of the Rent-charge to be paid in respect of the Tithes of the said Parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement, or any Schedule thereto.

46.
Commis-
sioners may
hear and
determine
objections to
the Award.

And be it Enacted, That as soon as the said Draft shall have been made by the Commissioners or Assistant Commissioner, they or he shall deposit a copy of the same, and of any special report thereunto annexed, at some convenient place within the said Parish, for the inspection of all persons interested in the said Lands or Tithes, and shall forthwith give notice, in such manner as to the Commissioners shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place and time (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to such intended Award by any person interested therein; and the said Commissioners or Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to the said intended Award, or adjourn the further hearing

hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the Lands or Tithes, or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they or he shall amend the Draft of such Award accordingly, if they or he shall see occasion.

And be it Enacted, That as soon as the Commissioners or Assistant Commissioner shall have made such amendments in the draft of the Award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office of the Commissioners, and the Commissioners shall satisfy themselves that all the proceedings incident to the making of such Award have been duly performed, and if they shall think that the Award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the Award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof, in the parish, in such manner as to them shall seem fit; and every such confirmed Award shall be binding on all persons interested in the said Lands or Tithes.

47.
Award to be confirmed by the Commissioners.

And be it Enacted, That as soon as the Commissioners shall have confirmed any such Award, the Commissioners or some Assistant Commissioner shall call a parochial meeting of the Owners of Land subject to Tithes in the said Parish for the purpose of choosing Valuers to apportion the amount so awarded among the Lands of the Parish, and shall give notice thereof in writing under their or his hand, to be fixed at least Twenty-one Days before such meeting, on the principal outer door of the church, or in some public and conspicuous place within the Parish; and Valuers or a single Valuer may be chosen at such meeting by the Land Owners then present in like manner, and the Valuers so chosen shall act with the same powers and be subject to the same provisions as if the Rent-charge so awarded had been agreed to at a parochial meeting of the Land Owners and Tithe Owners of the Parish, and the Valuers had been thereupon chosen as aforesaid.

48.
Commissioners to summon a Parochial Meeting to appoint Valuers.

And be it Enacted, That if upon the expiration of Three calendar Months after the day of the date of the confirmation of any Agreement or Award, no Valuer or Valuers shall have been appointed, or the apportionment by such Valuers or Valuer shall not have been made and sent to the office of the Commissioners as hereinafter provided, it shall be lawful for the Commissioners or some Assistant Commissioner, to apportion the Rent-charge, previously agreed or awarded to be paid,

49.
If valuation not completed in Three Months, Commissioners to apportion.

among the Lands of the said Parish, having regard to the average Titheable Produce and productive quality of the said Lands, according to the discretion and judgment of the Commissioners or Assistant Commissioner, but subject to the provisions hereinafter contained, and so that the several Lands may have the full benefit in each case of every Modus, Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable.

50.
Form of
Apportion-
ment.

And be it Enacted, That a draft of every Apportionment shall be made, and shall set forth the Agreement or Award, as the case may be, upon which such Apportionment is founded; and every Schedule thereunto annexed; and the said draft, or some Schedule thereunto annexed, whether made by or under the direction of the Valuers or Commissioners or Assistant Commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several Lands to be comprised in the Apportionment, and shall set forth the names and description of the several Proprietors and Occupiers thereof, and whether the said several Lands are then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall refer by a number set against the description of such Lands to a map or plan to be drawn on parchment, and the same number shall be marked on the representation of such Lands in the said map or plan, and the draft of the Apportionment shall also state the amount charged upon the said several Lands, and to whom and in what right the same shall be respectively payable.

51.
Comptroller
of Corn Re-
turns to pub-
lish Average
Price of Corn.

And be it Enacted, That immediately after the passing of this Act, and also in the month of January in every year, the Comptroller of Corn Returns for the time being, or such other person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the *London Gazette*, stating what has been during Seven Years, ending on the Thursday next before Christmas-day then next preceding, the average price of an imperial bushel of *British* Wheat, Barley and Oats, computed from the weekly averages of the Corn Returns.

52.
Rent-charges
to be valued
according to
the average
price of Corn.

And be it Enacted, That every Rent-charge charged upon any lands by any such intended Apportionment, shall be deemed at the time of the confirmation of such Apportionment as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of Wheat, Barley and Oats as the same would have purchased at the prices so ascertained by the Advertisement to be published immediately after the passing of this Act, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase of Barley, and the remaining

remaining Third part thereof in the purchase of Oats, and the respective quantities of Wheat, Barley and Oats so ascertained shall be stated in the draught of every Apportionment.

5 And be it Enacted, That it shall be lawful for the Valuers or Commis-
sioners or any Assistant Commissioner, upon the request of any Land
Owner, at any time before the confirmation of the Apportionment, to
apportion the whole Rent-charge intended to be charged upon any
Lands of such Land Owner, held under the same title and for the
10 same Estate, specially upon the several closes or portions of such
Lands, or according to an acreable rate or acreable rates, upon Lands
of different quality, in such manner and in such proportion, and to the
exclusion of such of them, as the Land Owner, with the consent of
the person entitled to such Rent-charge, may direct; and the par-
15 ticulars of every such special Apportionment shall be included in the
draught of the Apportionment, and taken to be a part thereof: Provided
always, That the extra expenses of every such special Apportionment
shall be borne by the party at whose instance the same shall have
been made, and shall be recoverable as other costs of the Apportion-
20 ment are recoverable; and that no close of Land shall be charged
with any Rent-charge or share of Rent-charge, on account of the
Tithes of any other Lands, unless the value of such Lands shall be at
least double the value of the whole Rent-charge upon such Lands.

53.
Rent-charge
may be
specially
apportioned.

25 And be it Enacted, That for the purpose of making any such
Apportionment, as well as for the purpose of making any Award as
hereinbefore provided, the Commissioners and Assistant Commissioners
may employ such Land Surveyors and Tithe Valuers as to them shall
seem fit, and may order them to be paid for valuing, surveying, mapping
and planning, after any rate not exceeding Two Guineas to every
30 such person for every day that he shall have been so employed, and
may assess the same as part of the expenses of making their Award or
Apportionment respectively; and the said Commissioners and Assistant
Commissioners and the Land Surveyors and Tithe Valuers employed by
them respectively, shall have all the powers and be subject to all the
provisions hereinbefore enacted concerning the Valuers appointed a
35 a parochial meeting, except that they shall not be bound to adopt any
principles of Apportionment agreed to at any parochial meeting.

54.
Commis-
sioners to have
the power of
Valuers as to
entry in
Lands, &c.

And be it Enacted, That the draught of every Apportionment, whether
made by or under the direction of the Commissioners or any Assistant
Commissioner, or by any Valuer or Valuers appointed as hereinbefore
40 is provided, shall be signed by the person by or under whose direction
it shall have been made, and shall be sent, together with the Map
or Plan therein referred to, by the person by whom it is signed, to the
office of the Commissioners, or otherwise to some Assistant Commis-
sioner as the Commissioners may direct, with such proof as the Commis-

55.
Apportion-
ment to be an-
nexed to the
Award and sent
to the Com-
missioners.

sioners may require, that every proceeding incident to the making of such draught of Apportionment has been duly performed.

56.
Com-
mis-
sioners may
hear and de-
termine ob-
jections to
Apportion-
ment.

And be it Enacted, That as soon as the Draught of any such Appor-
tionment verified as aforesaid shall have been sent to the Commissioners,
they shall cause a copy of the same to be deposited at some convenient
place within the said Parish for the inspection of all persons interested
in the said Lands or Tithes, and shall forthwith cause notice to be given,
in such manner as to them shall seem fit, where the said copy may
be inspected; and shall also in such notice appoint some convenient
place, and such times as they shall think necessary (the first not
earlier than Twenty-one Days from the first giving of such notice),
for holding a meeting to hear objections to the intended Apportionment,
by any person interested therein; and the said Commissioners or some
Assistant Commissioner at such meeting as aforesaid shall hear and de-
termine any objections which may be then and there made to the said
intended Apportionment, or adjourn the further hearing thereof, if they
or he shall think proper, to a future meeting, and may, if they or he
shall see occasion, direct any further valuation of the Lands or any of
them; and from time to time fix further meetings for the hearing
and determining of objections, of which further meetings, when not
holden by adjournment, notice shall be given in manner hereinbefore
directed with regard to the original meeting; and when the said
Commissioners or Assistant Commissioner shall have heard and de-
termined all such objections, they and he are and is hereby required
to cause such Apportionment to be amended accordingly, if they or
he shall see occasion.

57.
Confirmation
by the Com-
missioners.

And be it Enacted, That after such proceedings as aforesaid shall
have been had, and all such objections, if any, shall have been finally
disposed of, the Commissioners or Assistant Commissioner shall cause
the instrument of Apportionment to be ingrossed on parchment, and
shall annex the Map or Plan thereunto belonging to the ingrossed
instrument of Apportionment, and shall sign the instrument of Appor-
tionment, and the Map or Plan, and shall send both to the Office of
the Commissioners, and if the Commissioners shall approve the
Apportionment, they shall confirm the instrument of Appor-
tionment under their hands and seal, and shall add thereunto the date
of such confirmation; and Two copies of every confirmed instru-
ment of Apportionment shall be made, and sealed with the seal
of the said Commissioners; and one such copy shall be deposited in
the Registry of the Diocese within which the parish is situated, to
be there kept among the records of the said Registry; and the
other copy shall be deposited with the Incumbent and Church
or Chapel Wardens of the parish for the time being, or such
other fit persons as the Commissioners shall approve, to be kept
by them and their successors in office with the public books, writings
and

Transcripts of
the Award to
be sent to the
Registrar of
the Diocese,
and to the In-
cumbent and
Churchward-
dens.

and papers of the Parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two words contained in such copy or extract; and every recital or statement in, or Map or Plan annexed to, such confirmed Apportionment, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

10 And be it Enacted, That the Commissioners, if they shall see fit, before confirming any Agreement, Award, or Apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any Lands or Tithes, or any other person to whom they may think notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any Award or Apportionment to be amended accordingly.

58.
Commissioners may require notice of Agreements or Awards, to be given to Reversioner.

20 And be it Enacted, That no confirmed Agreement, Award or Apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto.

59.
Agreements, Awards and Apportionments not to be questioned after confirmation.

25 And be it Enacted, That from the First day of January next following the confirmation of every such Apportionment, the Lands of the said Parish shall be absolutely discharged from the payment of all Tithes, except so far as relates to the liability of any Tenant at rack-rent dissenting as hereinafter provided; and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said Apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of Wheat, Barley and Oats respectively mentioned therein to be payable instead of the said Tithes, in the nature of a Rent-charge, issuing out of the Lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the First day of July and First day of January in every year, the first payment being on the First day of July next after the Lands shall have been discharged from Tithes as aforesaid, and such Rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after every First day of January, the sum of money thenceforth payable in respect of such Rent-charge shall vary, so as always to consist of the price of the same number of bushels and decimal parts of a bushel of Wheat, Barley and Oats respectively, according to the prices ascertained by the then next preceding Advertisement, and any person entitled

60.
Lands to be discharged from Tit and Rent-charge paid in lieu thereof.

from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof, as are herein contained concerning the original Rent-charge : Provided always, That nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such Rent-charge.

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61.

Rent-charge
to be liable to
Parochial and
County Rates.

And be it Enacted, That every Rent-charge payable as aforesaid instead of Tithes, shall be subject to all Parliamentary Parochial and County Rates and Charges, in like manner as Tithes have heretofore been subject.

62.

Rent-charge
to be subject
to the same
incumbrances
and incidents
as Tithe
before this
Act.

And be it Enacted, That any person having any interest in or claim to any Tithes, or to any Charge or Incumbrance upon any Tithes, before the passing of this Act, shall have the same right to or claim upon the Rent-charge for which the same shall be commuted, as he had to or upon the Tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the Rent-charge had accrued after the Commutation ; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced ; and every estate for life, or other greater estate in any such Rent-charge, shall be taken to be an estate of freehold, and every Estate in any such Rent-charge shall be subject to the same incidents as the like estate in the Tithes commuted for such Rent-charge, and no such Rent-charge shall merge or be extinguished in any Estate of which the person for the time being entitled to such Rent-charge may be seised or possessed in the Lands on which the same shall be charged : Provided always, That it shall be lawful for any Person seised in possession of an Estate in fee-simple or fee-tail of any such Rent-charge to release, assign or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the Lands on which the same shall have been charged.

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63.

Apportion-
ment may be
altered by
Commis-
sioners of
Land-tax if
desired.

And be it Enacted, That if at any time subsequent to the confirmation of any such instrument of Apportionment, the Owner of any Lands charged with any such Rent-charge shall be desirous that the Apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land-tax for the county or place where the said Lands are situate, or any Three of them, to alter the Apportionment in such manner and in such proportion, and to the exclusion of such of the Lands as the Land Owner, with the consent of Two Justices of the Peace acting for the County, Riding, Division or other Jurisdiction in which the Lands are situated, may direct, and such altered Apportionment shall be made by an instrument in writing under the hands and seals of the said Commissioners of Land-tax, and of the said Land Owner and Justices, of the like form and tenor as to the said Lands,

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Lands, as the original Apportionment, and bearing date the day of its execution by the said Commissioners of Land-tax, subject to the provision hereinbefore contained with respect to the value of Lands on which any Rent-charge may be charged on account of the Tithes of any other Lands; and every such altered Apportionment shall be as valid as if made and confirmed by the Tithe Commissioners as aforesaid, and shall be taken to be an Amendment of the original Apportionment; and in every such case Two counterparts of the instrument of altered Apportionment, under the hands and seals of the said Commissioners of Land-tax and Justices, and Land Owner, shall be sent, one to the Registrar of the Diocese, and one to the Incumbent and Church or Chapel Wardens, or other person having the custody of the other copy of the original instrument of Apportionment, and one counterpart shall be annexed to the copy of the instrument of Apportionment, in the custody of the Registrar and such other person respectively, and taken to be an Amendment thereof, and thenceforward such Lands shall be charged only according to such altered Apportionment, and all expenses of such alteration shall be borne by the Land Owner desiring the same.

And be it Enacted, That the Commissioners, or Assistant Commissioner in any case where they or he may see fit, may order such expenses of Witnesses, and of the production of any Books, Deeds, Contracts, Agreements, Accounts, or Writings, Terriers, Maps, Plans and Surveys, or copies thereof, and all other expenses (except the salary or allowance to any Commissioner or Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any Award or Apportionment before the said Commissioners or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively, or in the event of such suit difference or objection, and in such proportions, as the Commissioners or Assistant Commissioner shall think fit and reasonable.

64.
Expenses of
Witnesses to
be paid under
the direction
of the Com-
missioners.

And be it Enacted, That the allowances to and expenses of Land Surveyors and Tithe Valuers necessary for making any Award, and all other expenses of or incident to making the said Award, except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expenses which the Commissioners or any Assistant Commissioner, or any Court or Arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the Land Owners and Tithe Owners interested in the said Award, in such proportion time and manner as the Commissioners or Assistant Commissioner shall direct.

65.
Expenses of
making any
Award to be
paid by the
Land Owners
and Tithe
Owners as
the Commis-
sioners may
direct.

And be it Enacted, That all the expenses of or incident to making any Apportionment (except the salary or allowance to any Commis-

66.
Expenses of
Apportion-
ment to be

borne rate-
ably by the
Land Owners.

sioner or Assistant Commissioner, and except any expense which the Commissioners or Assistant Commissioner may be authorized and may have ordered to be otherwise paid) shall be borne and paid by the Owners of Lands included in the Apportionment, in rateable proportion to the sum charged on the said Lands in lieu of Tithes, by such Apportionment.

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67.
Expenses
may be reco-
vered by
warrant of
distress.

And be it Enacted, That if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the Commissioners or some Assistant Commissioner to certify under their or his hand the amount to be paid by such person, and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any Two Justices of the Peace for the county or other jurisdiction wherein the Lands mentioned in the Agreement or Award or Apportionment are situate, such Justices upon the non-payment thereof are hereby required, by Warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any) after deducting the charges of the distress and sale to the person distrained upon.

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68.
Owners of
particular
Estates may
charge the
Costs on the
Estate for
Twenty Years.

And be it Enacted, That every Owner of an estate in Land or Tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the Commissioners, and in such manner as they may direct, charge so much of the expenses of Commutation as is to be defrayed by him; or any part thereof, upon the Lands where of the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the charge upon such Lands or Rent-charge respectively shall be lessened in every year following such Commutation by One-twentieth part at least of the whole original charge thereon.

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69.
Costs of
Ecclesiastical
Tithe Owners
may be
charged on the
Benefice for
Twenty Years.

And be it Enacted, That every Ecclesiastical beneficed Person who shall commute the Tithes of his Benefice under this Act, may advance or borrow the sum necessary to defray so much of the expenses of Commutation as is to be defrayed by him or any part thereof, and as a security for repayment, may charge or assign the Rent-charge to be received instead of such Tithes for Twenty Years, or until the principal sum advanced or borrowed, and the interest thereon, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One calendar Month next following, and also an instalment at the rate of Five Pounds for every Hundred Pounds of the

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the principal sum advanced or borrowed, and in default of such payment the Ordinary may sequester the profits of the Benefice until such payments shall be made: Provided, That the Sum to be so advanced or borrowed, shall be ascertained and certified under the hand of any
 5 Commissioner or Assistant Commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed Person in relation to such Commutation.

And be it Enacted, that any Tenant or Occupier who at the time of such commutation shall occupy at rack-rent any Lands of which the
 10 Tithes shall be so commuted, may within One calendar Month next after the confirmation of the Apportionment by the Commissioners, signify by writing under his hand, given to or left at the usual residence of his Landlord or his Agent, his dissent from being bound to pay any Rent-charge apportioned and charged on the said Lands as aforesaid,
 15 and in that case such Landlord shall be entitled, from the time when the said Apportionment shall take effect, and during the tenancy or occupation of such Tenant or Occupier, to stand, as to the perception and collection of Tithes, or receipt of any Composition instead thereof, in the place of the Owner of the Tithes so commuted, and to have all the
 20 powers and remedies for enforcing render and payment of such Tithes or Composition, which the Tithe Owner would have had if the commutation had not taken place.

70.
 If Tenant of Lands at Rack-rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the tenancy.

And be it Enacted, That any Tenant or Occupier at the time of such commutation who shall have signified his dissent from being
 25 bound to pay any such Rent-charge as aforesaid, or who shall hold his Lands under a lease or agreement, providing that the same shall be holden and enjoyed by him free of Tithes, and every Tenant or Occupier, who shall occupy any Lands by any lease or agreement made subsequently to such commutation, and who shall pay any such Rent-charge, shall be entitled to deduct the amount thereof from the rent
 30 payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

71.
 Tenant paying Rent-charge to be allowed the same in account with his Landlord.

And be it Enacted, That in case the said Rent-charge shall at any
 35 time be in arrear and unpaid for the space of Twenty-one Days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left Ten Days' notice in writing at the usual or last known residence of the Tenant in possession, to distrain upon the Lands liable to the payment thereof, or on any part
 40 thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for arrears of rent reserved on a common lease for years: Provided, That not more than Two Years' arrears shall at any time be recoverable by distress.

72.
 When Rent-charge is in arrear for 21 Days after half-yearly days of payment, the person entitled thereto may distrain.

73.
When Rent-
charges are in
arrear for 40
Days after
half-yearly
days of pay-
ment, Writ
to be issued
directing
Sheriff to
summon Jury
to assess
arrears.

And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any Judge of His Majesty's Courts of Record at *Westminster*, upon affidavit of the facts, to order a Writ to be issued, directed to the Sheriff of the county in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken, to some one of His Majesty's Courts of Law at *Westminster*, on a day therein to be named, either in Term time or Vacation; a copy of which Warrant, and notice of the time and place of executing the same, shall be given to the Owner of the Land, or left at his last known place of abode, or with his known agent, Ten Days previous to the execution thereof; and the Sheriff is hereby required to execute such Warrant according to the exigency thereof; and the costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have possession of the Lands chargeable therewith until the arrears of Rent-charge found to be due and the said costs, and also the costs of such Writ and of executing the same, and of cultivating and keeping possession of the Lands, shall be fully satisfied: Provided always, That not more than Two Years' arrears over and above the time of such possession shall be at any time recoverable.

74.
Account, how
to be ren-
dered.

And be it Enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ, from time to time to render an account of the rents and produce of the Lands and of the receipts and payments in respect of the same; and on satisfaction of such arrears of Rent-charge and all costs and expenses as aforesaid, to order a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by rule or order of such Court or Judge from time to time to give such summary relief to the parties as to the said Court or Judge shall seem fit.

75.
Powers of
Distress and
Entry to ex-
tend to all
Lands within
the Parish
occupied by
the Owner, or
under the
same Land-
lord or
holding.

And be it Enacted, That whenever any Rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any Apportionment which may have been made of any such Rent-charge, every part of the Land situate in the parish in which such Rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the Lands on which such Rent-charge so in arrear shall have been charged, whether such Land shall be occupied by the person occupying the same as the owner thereof or as tenant thereof,

thereof, holding under the same landlord under whom he occupies the Land on which such Rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether charge-
5 able on the Lands on which such distress is taken, or such entry made, or upon any other part of the Lands so occupied or holden: Provided always, That no Land shall be liable to be distrained or entered upon for the purpose of satisfying any such Rent-charge charged upon Lands which shall have been washed away by the sea, or otherwise
10 destroyed by any natural casualty.

And be it Enacted, That the several provisions of an Act passed in the fourth and fifth years of His present Majesty, intituled, "An Act to amend an Act of the eleventh year of King GEORGE the Second, respecting the Apportionment of Rents, Annuities and other periodical
15 Payments," shall extend to all Rent-charges payable under this Act.

76.
Apportionment of Rent-charge, in cases of death or removal, &c.

And be it Enacted, That if any barns or buildings belonging to any Tithe Owner, having a limited estate or interest therein, which shall have been generally used for the housing of Tithes paid in kind, shall be rendered in the whole or in part useless, by reason of any Commu-
20 tation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the consent, nevertheless, of the Commissioners, and subject to such directions as they may give to be signified under their hands and seal), to pull down any such barns or buildings, or any part thereof, and to sell and dispose of the materials, or to sell and dis-
25 pose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings, or homesteads thereunto belonging in such manner as the Commissioners may direct; and upon payment of the consideration money, it shall be lawful for every such Tithe Owner (with such consent as aforesaid) to convey and
30 deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct, and the consideration money in each case shall be paid to such Tithe Owner, and his receipt shall be a good discharge to the purchaser, and such Tithe Owner shall lay out and invest the consideration money in such
35 manner and for such trusts as the Commissioners shall direct for the benefit of the persons entitled to the said Rent-charge.

77.
Provisions for the sale of Buildings and the sites thereof rendered useless or unnecessary by the Commutation of Tithes.

And be it Enacted, That it shall be lawful for the Lessee being in occupation of any Tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the Commissioners shall direct, and confirmed under their seal, to surren-
40 der and make void the Lease by which the said Tithes are held or enjoyed by such Lessee at the time of the commutation, so far as the same may relate to the said Tithes; and it shall be lawful for the Commissioners, by the same instrument, to direct what compensation

78.
CLAUSE (C.)
Leases of Tithes may be surrendered.

(if any) shall be given by the immediate Lessor of any Lessee at rack rent so surrendering any Lease of any such Tithes to such Lessee, and what allowance (if any) shall be made by any Lessee to his immediate Lessor of any such surrendered Lease, in consideration of the non-fulfilment of any conditions contained in such Lease, and what deduction (if any) shall be made from the Rent thenceforth payable by any Lessee to his immediate Lessor in respect of other Hereditaments which may have been included with the said Tithes in any such Lease : Provided always, That any intermediate Lessor to whom any such Lease shall have been surrendered shall as regards his immediate Lessor be taken to be the Lessee in occupation of the Tithes included in the said Lease.

79.
Tithes due before this Act, not to be affected.

And be it Enacted, That nothing in this Act contained shall affect any right to any Tithes which shall have become due before the Commutation.

80.
Act not to extend to Easter Offerings, &c. or to payments instead of Tithes in London, or to permanent Rent-charges by custom or Act of Parliament.

And be it Enacted, That nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the Commissioners, in which case the same shall be valid, shall extend to any Easter Offerings, Mortuaries or Surplice Fees, or to the Tithes of fish, or of fishing, or to any Personal Tithes other than the Tithes of mills, or any mineral Tithes, or to any Payment instead of Tithes, arising or growing due within the City of London, or to any permanent Rent-charge or other rent or payment in lieu of Tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements, the Tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

81.
Advertisements, Contracts and Awards not to be liable to Stamp Duty.

And be it Enacted, That no Advertisement inserted by direction of the Commissioners or any Assistant Commissioner, or by any Tithe Owner or Land Owner in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

82.
Correspondence of Commissioners, relating to this Act, to be free of Postage.

And be it Enacted, That the said Commissioners may receive and send by the General Post from and to places in *England* and *Wales* all Letters and Packets relating exclusively to the execution of this Act, free from the duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their Office in London, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in covers, with the words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the outside thereof under such words with the Name of such

such Person in his own handwriting as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them shall appoint, (such Name to be from time to time sent to the Secretary of the General Post Office in *London*,) and be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act; or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any Letter. Paper or Writing, or any Enclosure other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office; one moiety of such penalty shall be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

And be it Enacted, That if any person, under the provisions of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury; and if any person shall make or subscribe a false Affidavit or Declaration for the purposes of this Act, he shall suffer the penalties of Perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, deed, contract, agreement, account or writing, terrier, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

83.
False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

And be it Enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire or Surveyor, for any thing done under the authority of this Act, until Twenty-one Days' notice thereof shall have been given in writing to the party against whom such Action or Suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after Three calendar Months shall have expired from the commission of the act for which such Action or Suit shall be so brought, and every such Action shall be brought, laid and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of Action or Suit was brought before Twenty-one Days' notice thereof given as aforesaid, or that sufficient amends

84.
Limitation of Actions against Commissioners, Assistant Commissioners, Justices, &c.

were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the time before limited in that behalf, or such Action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the Court, upon summary application by motion in any such Suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such Suit shall be dismissed upon application as aforesaid, or if the plaintiff in such Action or Suit shall become nonsuit, or suffer a discontinuance of such Action, or if upon any demurrer in such Action or Suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges and expenses, as between attorney and client.

85.
Proceedings
under this
Act not to be
quashed for
want of form,
nor to be
removed by
Certiorari.

And be it Enacted, That no Order, Adjudication or Proceeding made or had by or before the Commissioners, or any Assistant Commissioner under the authority of this Act, or any Proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by Certiorari, or any other writ or process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

86.
Limits of Act.

And be it Enacted, That this Act shall extend only to *England* and *Wales*.

Tithes Commutation.

A

B I L L

[AS AMENDED ON THIRD RE-COMMITMENT]

For the Commutation of Tithes in *England*
and *Wales*.

(Prepared and brought in by
Lord John Russell, Lord Viscount Howe, and
Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed,
17 June 1836.

25 July 1836.—7 WILL. IV.

Amendments to the Tithes Commutation Bill.

A M E N D M E N T S

Made by the Lords

To the BILL, intituled, AN ACT for the Commutation of
Tithes in *England and Wales*.

[N. B.—The Marginal Notes refer to the Press and Line of the Ingrossment.]

- P. 1. l. 3. Leave out (Tithe) and insert (Tithes)
 1. 6. Leave out (Tithe) and insert (Tithes)
 1. 21. Leave out from (and) to (for) in line 25.
 1. 30. Leave out from (and) to (and) in Press 2, line 1, and insert (for the said Archbishop and Secretary of State, at their joint pleasure, to remove any one or more of the Commissioners so appointed)
 Pr. 3. l. 30. Leave out from (Commissioners) to (from) in line 33.
 1. 37. After (Secretary) insert (and all such Clerks, Messengers and Officers
 and
 1. 38. as they shall deem necessary), and in line 38, leave out from (and) to (to) in line penult.
 Pr. 4. l. 1. After (Secretary) insert (Clerks, Messengers or Officers)
 1. 4. Leave out from (appoint) to (some) in line 5.
 1. 12. After (direct) insert (Provided always, That the said Commissioners shall not appoint more than Twelve such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, shall in the case of each such Appointment consent thereto: Provided further, That the number of such Clerks, Messengers and Officers shall be subject to the like consent)
 1. 19. Leave out from (Commons) to (And) in line 33.
 Pr. 6. l. 34. Leave out (make) and insert (take)
 1. 35. Leave out (Declaration) and insert (Oath)
 Pr. 7. l. 1. Leave out (Declare) and insert (Swear)
 1. 21. Leave out (made) and insert (taken), and in the same line and in line 22 leave out (Declaration) and insert (Oath)
 1. 35. Leave out (Tithe) and insert (Tithes)
 1. 38. Leave out (Returns) and insert (Return)

- Pr. 8. l. 9. Leave out from (Matter) to (Provided) in line 16.
- Pr. 10. l. 10. After (of) insert (the reign of)
- Pr. 11. l. 34. Leave out from (be) to (of) in line 36, and insert (liable to the payment of such Rent)
- Pr. 12. l. 35. Leave out from (Officers) to (of) in line 36.
- Pr. 13. l. 13. Leave out the second (of) and insert (above)
- l. 15. Leave out (or upwards)
- l. 17. After (is) insert (of or), and in the same line after (the) insert (yearly)
- l. 30. Leave out from (Lancaster) to (the) in line 31, and in line 31 leave out from (the) to (for) in line 32, and insert (Chancellor)
- l. 33. Leave out (Duchies) and insert (Duchy)
- Pr. 15. l. 1. Leave out from (interested) to (And) in line 11, and insert CLAUSE (A.)
- Pr. 18. l. 36. After (declared) insert (and so from time to time in case the same shall be in like manner desired by a Majority of the Persons attending such Meeting)
- Pr. 20. l. 7. Leave out (are) and insert (is)
- l. 16. After (are) insert (or have been)
- Pr. 23. l. 15. After (Persons) insert (Provided nevertheless, That no Person being owner of an estate in Land or Tithes less in the whole than an immediate estate of fee-simple or fee-tail, shall be empowered to submit to any such reference, so as to bind any person in remainder, reversion or expectancy, without the consent of the Commissioners, and that it shall be lawful for the Commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any person in remainder, reversion or expectancy of an estate of inheritance in the said Lands or Tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.)
- l. 22. After (executed) insert (before or)
- Pr. 26. l. 18. After (Tithes) insert CLAUSES (B.), (C.), (D.) and (E.)
- l. 29. After (meeting) insert (may appoint a Valuer or Valuers, and in case the majority in respect of number, and the majority in respect of interest, shall not agree upon the appointment, then they)
- l. ult. Leave out from (present) to (And) in Press 27, line 3.
- Pr. 27. l. 6. After (such) insert (Valuer or)
- l. 8. After (the) insert (Valuer or)
- l. 20. After (the) insert (Valuer or)
- l. 23. After (the) insert (Valuer or)
- l. 28. Leave out (the) and insert (his or their)
- l. 30. Leave out (of the Valuers)
- Pr. 28. l. 6. Leave out (if) and insert (it shall be lawful for)
- l. 8. Leave out (more than One) and insert (an even Number), and in the same line leave out from (chosen) to (by) in line 13.
- l. 15. After (Umpire) insert (before they proceed upon the business of such apportionment)

Leave

- Pr. 28. l. 24. Leave out (appointed) and insert (it shall become necessary for him to act)
- Pr. 29. l. 2. Leave out (the) and insert (a solemn), and in the same line after (Declaration) insert (to the same purport and effect as the Oath)
- l. 25. After (the) insert (Valuer or)
- l. 33. After (satisfied) insert (and that it shall be lawful for the Meeting at which such Valuer or Valuers shall be chosen to agree upon the adoption, for the purposes aforesaid, of any such admeasurement, plan or valuation; and such agreement shall be binding upon the Valuer or Valuers: Provided always, That three-fourths of the Land-owners in number and value shall concur therein)
- l. 37. Leave out (Seven) and insert (Eight)
- Pr. 31. l. 2. After (shall) insert (except in the cases for which provision is hereinafter made)
- l. 8. After (marketing) insert (where such Tithes have been taken in kind)
- l. 9. Leave out from (of) to (the) in line 10.
- l. penult. After (average) insert (annual)
- Pr. 32. l. 10. Leave out from (shall) to (then) in line 20, and insert (in any One or more of the said Seven Years have allowed and made any abatement from the amount of such rent or composition, on the ground of the same having in any such Year or Years been higher than the real value of the Tithe, but not otherwise)
- l. 32. Leave out from (same) to (Parliamentary) in line 33, and insert (without making any deduction therefrom on account of any)
- l. 36. After (which) insert (the said)
- Pr. 33. l. 9. Leave out (a fair) and insert (an equivalent)
- l. 13. After (the) insert (hand of any Patron or the)
- l. 38. After (shall) insert (for the purpose of bringing the Rent-charges to be established by this Act nearer to the real Value of the Tithes)
- Pr. 34. l. 13. After (force) insert (or which by reason of the peculiar interest in the Lands or Tithes of either of the parties to any Composition)
- l. 29. Leave out (seven) and insert (eight)
- l. 38. Leave out (every)
- Pr. 35. l. 28. Leave out (according) and insert (having regard)
- l. 33. Leave out from (Parishes) to (Provided) in line 37.
- Pr. 36. l. 20. Leave out from (given) to (to) in line 21, and insert (by the Owner thereof)
- Pr. 37. l. 5. After (which) insert (the said)
- l. 10. In CLAUSE (A.) added by way of Rider to the Bill,
 Line 4. Leave out (as last aforesaid) and insert (by the Owner thereof or by the Owner of the Tithes thereof)
 Line 12. Leave out from (regard) to (to) in line 14.
 Line 18. Leave out from (cut) to (in) in 23, and insert (during the said period of Seven Years)

Pr. 37. l. 10.

Line 28. After (which) insert (the said)

Line 39. Leave out (Seven) and insert (Eight)

Line ult. Leave out from (Commissioners) at the end of the said CLAUSE, to (And) in Press 39, line 24, and insert CLAUSE (F.)

l. 14. After (or) insert (Orchards or)

l. 16. After (assigned) insert (as aforesaid)

l. 35. After (Gardens) insert (or cultivated as Orchards)

Pr. 48. l. 31. After (thereto) insert (Provided always, That no such award shall be made for giving Land instead of the Tithes of the Parish)

Pr. 52. l. 1. Leave out (Three) and insert (Six)

l. ult. After (liable) insert CLAUSE (G.)

Pr. 53. l. 33. After (on) insert (paper or)

Pr. 57. l. 23. After (meeting) insert (Provided always, That it shall be lawful for such Commissioners and Assistant Commissioners to make any agreement with any such Land Surveyors or Tithe Valuers for the payment to the same of one sum for the whole Duty or any part thereof, to be performed by them respectively)

Pr. 59. l. 31. After (occasion) insert CLAUSE (H.)

Pr. 60. l. 17. Leave out from (Confirmation) to (And) in Press 61, line 23, and insert CLAUSE (I.)

Pr. 63. l. 11. After (Payment) insert (except in the case of barren reclaimed Lands as hereinafter provided)

Pr. 64. l. 8. After (Charge) insert (Provided always, That the Rent-charge which shall be apportioned upon any Lands in the said Parish which during any part of the said Period of Seven Years preceding Christmas One thousand eight hundred and Thirty-five were exempted from Tithes by reason of having been inclosed under any Act of Parliament, or converted from Barren Heath or Waste Ground, shall be payable for the first time on the First day of July or First day of January next following the confirmation of the apportionment which shall be nearest to the time at which Tithes were or would have become payable for the first time in respect of the said Lands, if no Commutation thereof had taken place); and also insert CLAUSE (K.)

l. 14. After (County) insert (and other), and in the same line leave out (and); and also in the same line after (Charges) insert (and Assessments)

l. 15. After (as) insert (the), and in the same line after (Tithes) insert (commuted for such Rent-charge)

l. 17. In CLAUSE (B.) added by way of Rider to the Bill,

Line 8. Leave out (it)

l. 14. After (Landlord) insert (and)

Pr. 65. l. 9. After (same) insert (liabilities and)

l. 12. After (Charge) insert (and where any Lands were exempted from Tithe whilst in the occupation of the Owner thereof by reason of being Glebe, or of having been heretofore parcel of the possessions of any privileged

privileged order, the same Lands shall be in like manner exempted from the payment of the Rent-charge apportioned on them whilst in the occupation of the Owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed, any Tithes are authorized to be sold, exchanged, appropriated or applied in any way, the Rent-charges for which such Tithes may be commuted under the provisions of this Act or any part thereof, shall or may be saleable or exchangeable, appropriated and applied to all intents and purposes in like manner as such Tithes; and the same powers of sale, exchange and appropriation shall in all such cases extend to and may be exercised in respect of the said Commutation Rent-charges; and the money to arise by the sale of such Rent-charges shall or may be invested, appropriated and applied to the same purposes and in like manner as the money to arise by the sale of any such Tithes might have been invested, appropriated and applied under such particular Act or Acts, in case this Act had not been passed)

- l. 26. Leave out (such Rent-charge) and insert (Tithes or Rent-charge in lieu of Tithes, by any deed or declaration under his hand and seal, to be made in such form as the said Commissioners shall approve, and to be confirmed under their seal)

Pr. 71. l. 8. After (thereof) insert (and the Interest thereon, after the rate of Four Pounds by the Hundred)

- l. ult. After (thereon) insert (after the rate of Four Pounds by the Hundred)

Pr. 75. l. 38. Leave out (Warrant) and insert (Writ)

Pr. 76. l. 8. Leave out (Warrant) and insert (Writ)

Pr. 77. l. 6. Leave out (on) and insert (to pay over the Surplus, if any, to the person for the time being entitled thereunto after)

- l. 9. After (aforesaid) insert (and thereupon)

- l. 18. Leave out CLAUSE (C.), added by way of Rider to the Bill, and insert CLAUSE (L.)

Pr. 81. l. 38. After (Tithes) insert (nor to the Tithe of the Milk or Calves of any Cows, except those maintained by their owners on the produce of land occupied by themselves, and the Tithe of which has been commuted under this Act)

At the end of the Bill add CLAUSE (M.)

CLAUSE
(A.)

And be it Enacted, That it shall be lawful for any Land Owner or Tithe Owner, by a Power of Attorney given in writing under his hand, to appoint an Agent to act for him in carrying into execution the provisions of this Act; and all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent so duly authorized by such person; and every such Agent shall have full power, in the name and on behalf of his Principal, to concur in and execute any Agreement, and to vote on any question arising out of the execution of this Act; and every

person shall be bound by the acts of any such Agent, according to the authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a copy thereof, authenticated by the signature of Two credible Witnesses, shall be appended to every Agreement executed by any such Agent, and shall be sent with it to the office of the Commissioners as hereinafter provided; and any such Power of Attorney may be in the form following:

“ I, *A. B.* of, [*et cetera*] do hereby appoint *C. D.* of, [*et cetera*] to be my lawful Attorney, to act for me in all respects as if I myself were present, and acting in the execution of an Act passed in the sixth and seventh years of His present Majesty, intituled [*here insert the Title of this Act.*]

(signed) “ *A. B.*”

CLAUSE
(B.)

Provided always, and be it Enacted, That before the Commissioners shall confirm any such Agreement relating to Tithes belonging to any Ecclesiastical Person in right of any Spiritual Dignity or Benefice, they shall communicate the same to the Bishop of the Diocese for his Observations and Opinion; and no such Agreement shall be confirmed by such Commissioners until Four Weeks shall have elapsed from the date of the transmission of such Agreement to such Bishop, unless the said Bishop shall sooner signify his approbation of such Agreement to the said Commissioners.

CLAUSE
(C.)

And be it Enacted, that any such Parochial Agreement may be made in manner and form aforesaid, for giving to any Ecclesiastical Owner in right of any Spiritual Benefice or Dignity of any Tithes or of any Rent-charge for which such Tithes shall have been commuted, any quantity not exceeding in the whole Twenty Imperial Acres of Land by way of commutation for the whole or an equivalent part of the Great or Small Tithes of the Parish, or in discharge of or exchange for the whole or an equivalent part of any Rent-charge agreed to be paid instead of such Tithes, but subject in every case to the provisions hereinafter contained; and every such Agreement shall be made in such form and contain such particulars as the Commissioners shall in that behalf direct, specifying the Land, the Tithes whereof or Rent-charge for which such Tithes shall have been commuted, and giving full and sufficient descriptions of the quantity, state of culture and annual value of the Land proposed to be given in exchange for such Tithes or Rent-charge: Provided always, That the same consent and confirmation shall be necessary to any such Agreement as in the case of an Agreement for a Rent-charge, and that in case the said Agreement shall not extend to the whole of the Tithes of the Parish, an Agreement or Award as hereinafter provided, may and shall be made for the payment

ment of a Rent-charge in satisfaction of the residue of the said Tithes ; and such Rent-charge, when agreed upon or awarded, or the residue thereof, shall be apportioned in manner hereinafter provided upon all the Lands of the Parish subject to the payment of Tithes, unless otherwise agreed upon by the parties to the said Parochial Agreement, except the Land so given by way of commutation, in like manner as if no Agreement for giving Land had been made : Provided also, That the Land so given shall be of Freehold Tenure, free from incumbrances, except Leases at improved Rent, Land Tax, or other usual outgoings.

CLAUSE
(D.)

And be it Enacted, That in every case in which any such Agreement for giving Land shall be so entered into, the Commissioners shall satisfy themselves in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such Tithes or Rent-charge, and that the same are of the description and value set forth in such Agreement, and that such Agreement is conformable in every respect to the provisions hereinbefore contained respecting the same ; and the expense attending every such Agreement for giving Land, and the confirmation thereof and of investigating the Title to the Land, shall be borne by the Owners of Land liable to the payment of Tithes within the Parish, in such proportions as they may agree, or in default of agreement, as the Commissioners may direct.

CLAUSE
(E.)

And be it Enacted, That such Agreement for giving Land confirmed by the said Commissioners shall operate as a Conveyance of such Land to the Owner of such Tithes or Rent-charge, and the Land so conveyed shall thereupon vest in and be and be deemed to be holden by such person or persons, and upon the like uses and trusts in every respect, as the Tithes or Rent-charge in commutation or exchange for which the same shall have been given shall be vested and holden ; and for the purpose of making and completing any such Agreement, the provisions of this Act respecting persons under legal disability shall apply to every person party to such Agreement, or in whom any such Land shall be vested, and whose concurrence or consent may be necessary to the perfecting thereof or of the Title to such Land, as fully as if the same had been here repeated and re-enacted.

CLAUSE
(F.)

And be it Enacted, That in case any of the Lands in the Parish shall during any part of the said period of Seven Years preceding Christmas in the Year One thousand eight hundred and Thirty-five, have been exempted from payment of Tithes by reason of having been enclosed under any Act of Parliament, or converted during that period from barren heath or waste ground, or by reason of being Glebe Lands or of having been heretofore parcel of the possessions of any privileged order, and notice shall have been given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, that

the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average value which shall be ascertained as aforesaid in respect of Lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which the said Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the parish ascertained as aforesaid.

CLAUSE
(G.)

And be it Enacted, That the amount which shall be charged by any such apportionment upon any Hop Grounds or Market Gardens in any district so to be assigned as aforesaid, shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge, and the extraordinary charge shall be a Rate per Imperial Acre, and so in proportion for less quantities of Ground, according to the discretion of the Valuers or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such Commutation, shall be charged, after the Thirty-first day of December next following such change of cultivation, only with the ordinary charge upon such Lands; and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens at any time after such Commutation, shall be charged with an additional amount of Rent-charge per Imperial Acre equal to the extraordinary charge per Acre upon Hop Grounds or Market Gardens respectively in that district: Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation, and an additional Rent-charge by way of extraordinary charge upon Hop Grounds and Market Gardens newly cultivated as such beyond the limits of every district in which any extraordinary charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said Commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any Hop Grounds or Market Gardens at the time of Commutation.

And

CLAUSE
(H.)

And be it Enacted, That it shall be lawful for the owner of any Lands chargeable with any such Rent-charge to agree at any time before the confirmation of any such Instrument of Apportionment with any ecclesiastical person, being the owner of the Tithes thereof in right of any Spiritual Benefice or Dignity, for giving Land instead of the Rent-charge charged or about to be charged upon his Lands; and every such Agreement shall be made under the hands and seals of the Land-owner and Tithe-owner, and shall contain all the particulars hereinbefore required to be inserted in a Parochial Agreement for giving Land instead of Tithes or Rent-charge: Provided always, That no such Tithe-owner shall be enabled to take or hold more than Twenty Imperial Acres of Land in the whole, by virtue of any such Agreement or Agreements made in the same Parish; and the same consent and confirmation relatively to the Lands and Tithes comprised in the said Agreement shall be necessary to any such Agreement, as in the case of a Parochial Agreement for giving Land instead of Tithes; and all the provisions hereinbefore contained concerning a Parochial Agreement for giving Land shall be applicable to every such Agreement as hereinbefore last mentioned, so far as concerns the Lands and Tithes comprised in the said Agreement: Provided also, That any Amendment which shall be made in the draught of Apportionment before confirmation thereof, and subsequent to any such Agreement for giving Land instead of Rent-charge, whereby the charge upon the Lands referred to in such Agreement shall be altered, shall be taken to annul the execution of such Agreement for giving Land, and any consent which may have been necessary thereunto.

CLAUSE
(I.)

And be it Enacted, That Two Copies of every confirmed Instrument of Apportionment, and of every confirmed Agreement for giving Land instead of any Tithes or Rent-charge, shall be made and sealed with the Seal of the said Commissioners; and one such Copy shall be deposited in the Registry of the Diocese within which the Parish is situated, to be there kept among the Records of the said Registry, and the other Copy shall be deposited with the Incumbent and Church or Chapel-wardens of the Parish for the time being, or such other fit persons as the Commissioners shall approve, to be kept by them and their successors in Office, with the public Books, Writings and Papers of the Parish; and all Persons interested therein may have access to and be furnished with Copies of or Extracts from any such Copy on giving reasonable Notice to the Person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and every recital or statement in a Map or Plan annexed to such confirmed Apportionment or Agreement for giving Land, or any sealed Copy thereof,

thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

CLAUSE
(K.)

And be it Enacted, That from the First day of January next following the confirmation of every parochial or other Agreement for giving Land instead of any Tithes or Rent-charge, the Lands of the Parish in which any such Agreement shall be made, shall be absolutely discharged from the payment of the Tithes or Rent-charge for which it shall have been agreed that such Land shall be given.

CLAUSE
(L.)

Provided always, and be it Enacted, That in all cases in which it shall be necessary to make any Distress under this Act in respect of any Lands in the possession of any Person of the persuasion of the people called Quakers, the same may be made upon the goods, chattels or effects of such Person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises, and that in all cases of distress under this Act upon persons of that persuasion, the goods, chattels or effects which may be distrained, shall be sold without its being necessary to impound or keep the same: Provided always, That no Writ under the provision hereinbefore contained, shall be issued for assessing or recovering any Rent-charge payable under this Act in respect of any Lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, without the person entitled thereto being able to find goods, chattels or effects, either on the premises or elsewhere, liable to be distrained as aforesaid, sufficient to satisfy the arrears to which such Lands are liable, together with the reasonable costs of such distress.

CLAUSE
(M.)

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Tithes Commutation Bill.

A M E N D M E N T S

Made by the Lords

TO the BILL, intituled, AN ACT for the
Commutation of Tithes in *England* and
Wales.

Ordered, by The House of Commons, to be Printed,

25 July 1836.

28 July 1836.—7 WILL. IV.



A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for the Commutation of Tithes in England and Wales.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]

[*N. B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

- 1 **W**HEREAS it is expedient to amend the Laws relating to **Tithes** in England and Wales, and to provide the means for an adequate compensation for **Tithes**, and for the commutation thereof; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for One of His Majesty's Principal Secretaries of State to appoint Two fit persons to be Commissioners to carry this Act into execution, and ⁽³⁾ for the Archbishop of Canterbury, under his hand and Archiepiscopal Seal, to appoint One fit person to be a Commissioner to carry this
- 2 Act into execution, and ⁽⁴⁾ *for the said Archbishop and Secretary of State at their joint pleasure to remove any one or more of the Commissioners so appointed*; and upon every vacancy in the office of Commissioner some other fit person shall be appointed to the said office in the same manner and by the same authority as the Commissioner
- Preamble.

I.
Appointment
of Commis-
sioners.

⁽¹⁾ Tithe

⁽²⁾ Tithe

⁽³⁾ from time to time at pleasure to remove them, or either of them; and that it shall be lawful

⁽⁴⁾ from time to time at pleasure to remove the Commissioner so appointed by him

sioner whose vacancy is thereby supplied; and until such appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

II.
Style of Commissioners.

To have Common Seal

Awards, &c. purporting to be sealed with Seal of Commissioners, to be received as Evidence.

And be it Enacted, That the said Commissioners shall be styled "THE TITHE COMMISSIONERS FOR ENGLAND AND WALES," and shall have their Office in London or Westminster, and they, or any Two of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Agreements and Awards confirmed by the said Commissioners in pursuance of this Act; and all such Agreements and Awards, and other instruments proceeding from the said Board, or copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in evidence, without any further proof thereof; and no Agreement or Award shall be of any force, unless the same shall be sealed or stamped as aforesaid.

3

III.
Commissioners to report to Secretary of State.

Annual Report to be laid before Parliament.

And be it Enacted, That the said Commissioners shall from time to time give to any One of His Majesty's Principal Secretaries of State such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require, and shall once in every year send to One of the Principal Secretaries of State a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next meeting thereof.

IV.
Power to appoint Assistant Commissioners, Secretary and Assistant Secretary.

And be it Enacted, That it shall be lawful for the Commissioners ⁽¹⁾ from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a Secretary and Assistant Secretary, *and all such Clerks, Messengers and Officers as they shall deem necessary*, and ⁽²⁾ to remove such Assistant Commissioners, Secretary or Assistant Secretary, *Clerks, Messengers or Officers*, or any of them, and on any vacancy in any of the said Offices to appoint ⁽³⁾ some other person to the vacant Office; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the said Commissioners may direct: *Provided always, That*
the

4

⁽¹⁾ subject to the approval of One of His Majesty's Principal Secretaries of State

⁽²⁾ with the like approval

⁽³⁾ subject to the like approval

the said Commissioners shall not appoint more than Twelve such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, shall in the case of each such appointment consent thereto: Provided further, That the number of such Clerks, Messengers and Officers shall be subject to the like consent.

And be it Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall during his continuance in such office be capable of being elected or of sitting as a Member of the House of Commons.

V.
Commissioners not to sit in the House of Commons.

(¹)

5 And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer period than Five Years next after the day of the passing of this Act, and thenceforth until the end of the then next Session of Parliament; and after the expiration of the said period of Five Years and of the then next Session of Parliament so much of this Act as authorizes any such appointment shall cease.

VI.
Operation of Act as to appointment of Commissioners, &c. limited to Five Years.

6 And be it Enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salaries of the Secretary, Assistant Secretary, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from time to time regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any Three of them: Provided always, That the Salary of a Commissioner shall not exceed the sum of One thousand five hundred Pounds a year, nor the Allowance to an Assistant Commissioner the sum of Three Pounds for every day that he shall be actually employed or travelling in the performance of the duties of his office, nor the Salaries of the Secretary or Assistant Secretary the sum of Eight hundred Pounds a year; and that the Salaries of the Clerks, Messengers and other Officers shall be in fit proportion: Provided also, That the said Lord Treasurer or Lords Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling

VII.
Salaries of, and Allowances to, Commissioners and Assistant Commissioners, Secretary and other Officers.

(¹) And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, may, on application by the said Commissioners, from time to time appoint all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time remove such Clerks, Messengers and Officers, or any of them, and appoint others in their stead.

b.
Lords of the Treasury to appoint Clerks and other Officers.

travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his Salary or Allowance respectively.

VIII.

Such Salaries, Allowances and other Expenses, how to be paid.

And be it Enacted, That the Salaries, Allowances and Travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers and Officers as aforesaid, and all other incidental Expenses of carrying this Act into execution, not herein otherwise provided for, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury out of the Consolidated Fund.

IX.

Commissioners and Assistant Commissioners to make a Declaration.

And be it Enacted, That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his Office, ⁽¹⁾ take the following ⁽²⁾ Oath before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

Form of Declaration.

" I, A. B. do ⁽³⁾ swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, fulfil all the Powers and Duties of a Commissioner [or Assistant Commissioner, as the case may be,] under an Act passed in the year of the Reign of King WILLIAM the Fourth, intituled [here set forth the Title of this Act.] "

Notification of Appointment to be published in the Gazette.

And the appointment of every such Commissioner and Assistant Commissioner, with the time when and the name of the Judge or Baron before whom he shall ⁽⁴⁾ take the ⁽⁵⁾ Oath aforesaid, shall be forthwith published in the London Gazette.

X.

Commissioners or Assistant Commissioners may summon and examine Witnesses.

And be it Enacted, That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the Commutation of ⁽⁶⁾ Tithes and also make any inquiries and call for any answer or ⁽⁷⁾ return as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans and surveys, or copies thereof respectively, in anywise relating to any such matter ⁽⁸⁾:

Provided

⁽¹⁾ make ⁽²⁾ Declaration ⁽³⁾ declare

⁽⁴⁾ have made ⁽⁵⁾ Declaration ⁽⁶⁾ Tithe ⁽⁷⁾ returns :

⁽⁸⁾ or in lieu of requiring such oath as aforesaid, the said Commissioners or Assistant Commissioner may require any such person to make and subscribe a declaration of the truth of his examination

Provided always, That no such person shall be required, in obedience to any such summons, to travel more than Ten Miles from the place of his abode, or to produce any deeds, papers or writings relating to the title of any lands or tithes.

And be it Enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners as the said Commissioners shall think fit, (except the power to confirm agreements and awards, or to frame forms of agreements and other instruments, as hereinafter provided, or to do any act herein required to be done under the seal of the said Commissioners), and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers, shall be obeyed by all persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner.

XI.
Commissioners may delegate powers to Assistant Commissioners, except powers to be exercised under their seal.

And be it Enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "Person" shall mean and include The King's Majesty, and any body corporate, aggregate or sole, as well as an individual; and any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only, shall mean and include a female as well as a male; and the word "Lands" shall mean and include all messuages, lands, tenements and hereditaments; and the word "Tithes" shall mean and include all uncommuted Tithes, portions and parcels of Tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "Parish" and "Parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which Overseers of the Poor are separately appointed under the provisions of an Act passed in the thirteenth and fourteenth years of *the reign of* his late Majesty King CHARLES the Second, intituled, "An Act for the better Relief of the Poor of this Kingdom," and every district of which the Tithes are payable under a separate appropriation or appropriation, or in a separate portion or parcel, or which the Commissioners shall by any order direct to be considered as a separate District for the Commutation of Tithes; and the words "Land Owner" or "Tithe Owner" or "Owner of Lands" or "Owner of Tithes," shall mean and include every person who shall be

XII.
Meaning of the words
"Person,"
"Lands,"
"Tithes,"
"Parish,"
"Parochial,"
"Land Owner,"
"Tithe Owner,"
as used in this Act.

13 & 14 Car. 2.
c. 12.

in the actual possession or receipt of the rents or profits of any Lands or Tithes (except any Tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any Tenant for years whatsoever 11 holding under a lease or agreement for a lease for a term which shall not have exceeded Fourteen Years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any Tithes or Lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded Fourteen Years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be ⁽¹⁾ *liable to the payment of such rent* of such Tithes or Lands, 12 be deemed for the purpose of this Act to be the Owner of such Tithes or Lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any Tithes or Lands under any sequestration, extent, elegit or other writ of execution, or as a receiver under any order of a Court of Equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the Owner of such Tithes or Lands.

Where Parties
to be deemed
Joint Owners.

XIII.

When Owner-
ship of Lands
or Tithes or
Patronage is
vested in the
Crown, who
to be deemed
the Owner or
Patron,

And be it Enacted, That whenever the Ownership of any Lands or Tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of His Majesty's Woods, Forests and Land Revenues for the time being, or in case such Lands or Tithes shall be vested in His Majesty, in right of the Duchy of Lancaster or of the Duchy of Cornwall, the Chancellor of the Duchy of Lancaster, or the Officers ⁽²⁾ of the Duchy of Cornwall, 13 entitled to grant Leases of Lands parcel of the Duchy of Cornwall, shall, for the purposes of this Act, be substituted instead of the Owner of such Lands or Tithes respectively; and whenever the Patronage of any Benefice to which the provisions of this Act are intended to apply, shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being, where the value of such Benefice is ⁽³⁾ *above* the yearly value of Twenty Pounds ⁽⁴⁾ in the King's Books, and where such value is *of or below* the *yearly* value of Twenty

⁽¹⁾ in the actual possession or occupation

⁽²⁾ or Council ⁽³⁾ of ⁽⁴⁾ or upwards

Twenty Pounds in the King's Books, the Lord Chancellor or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of this Act be substituted instead of the Patron: Provided nevertheless, That if such patronage is vested in His Majesty in right of the Duchy of Lancaster, ⁽¹⁾ the ⁽²⁾ *Chancellor* for the time being of such ⁽³⁾ *Duchy* shall for the purposes of this Act be substituted instead of the Patron.

14 And be it Enacted, That whenever any person shall be at the same time Owner of any Lands and Owner of any Tithes comprised within any Agreement to be executed pursuant to the provisions of this Act, or besides being Owner of any Lands or of any Tithes, shall also be Patron of the Benefice to which the Tithes in question may belong, such person, in relation to such Agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

XIV.
When the same Person is Owner of Lands and Owner of Tithes, he may be dealt with in both characters.

15 And be it Enacted, That whenever the Patron of any Benefice, or the Owner of any Lands or Tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any Tithes, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act, be substituted in the place of such Patron, Owner or person so interested.

XV.
In case Patron or Owner is under legal disability, who to act.

(⁴)

And be it Enacted, That it shall be lawful for any Land Owner or Tithe Owner, by a power of attorney given in writing under his hand, to appoint an agent to act for him in carrying into execution the provisions of this Act; and all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent so duly authorized by such person; and every such Agent shall have full power, in the name and on behalf of his Principal, to concur in and execute any agreement, and to vote on any question arising out of the execution of this Act; and every person shall

XVI.

(¹) or the Duchy of Cornwall

(²) respective Chancellors

(³) Duchies

(⁴) And be it Enacted, That all things which by this Act are directed to be done by or with relation to any person, may be lawfully done by or with relation to the Agent of such person, unless there be something in the subject or context repugnant to such construction.

17.
Acts may be done by Agents.

shall be bound by the acts of any such Agent, according to the authority committed to him, as fully as if the Principal of such Agent had so acted; and the power of attorney under which the Agent shall have acted, or a copy thereof, authenticated by the signature of Two credible Witnesses, shall be appended to every Agreement executed by any such Agent, and shall be sent with it to the Office of the Commissioners as hereinafter provided; and any such power of attorney may be in the form following:

“ I, A. B., of [et cetera] do hereby appoint C. D., of [et cetera] to be my lawful attorney, to act for me in all respects as if I myself were present, and acting in the execution of an Act passed in the sixth and seventh years of His present Majesty, intituled [here insert the Title of this Act.]

(signed) A. B.”

XVII.
Parochial Meetings may be called, at which Owners of Two-thirds in value may agree on the sum to be paid to the Tithe Owners, which Agreement shall bind the whole Parish.

And be it Enacted, That any one or more of the Land Owners or Tithe Owners, whose interest respectively shall not be less than One-fourth part of the whole value of the Lands subject to Tithes, or One-fourth part of the whole value of the Tithes of any Parish in England or Wales, may call a parochial meeting of Land Owners and Tithe Owners within the limits of the parish, by notice thereof in writing under his or their hand, to be affixed at least Twenty-one Days before such meeting, on the principal outer door of the Church, or in some public and conspicuous place within the limits of the parish, and to be twice at least during such Twenty-one Days inserted in some newspaper generally circulated within the county in which such parish is situated, for the purpose of making an agreement for the general 16
commutation of Tithes within the limits of such parish; and every Land Owner and Tithe Owner attending such meeting shall bear his own expenses of attendance; and the Land Owners and Tithe Owners who shall be present at any such meeting called as aforesaid, and whose interest in the Lands and Tithes of the parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes, and Two-thirds of the Small Tithes of the parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way of Rent-charge, variable as hereinafter provided, instead of the Great and Small Tithes of the parish collectively, or instead of the Great Tithes and Small Tithes severally, to the respective Owners thereof in the said parish; and every agreement so made and executed, and confirmed in manner hereinafter mentioned, shall be binding on all persons interested in the Tithes or Lands subject to Tithes of the said parish.

XVIII.
Provisional Agreements may be made

And be it Enacted, That the majority of such Land Owners and 17
Tithe Owners present at every such meeting shall elect a Chairman,
who

who shall forthwith proceed to ascertain the interest of the Land Owners and Tithe Owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional agreement for the commutation of Tithes of the like form and tenor; and every such provisional agreement which shall be executed within Six calendar Months from the day of the first making thereof by the Land Owners and Tithe Owners whose interest in the Lands and Tithes of the parish shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the agreement was first made.

at the Parochial Meetings.

Provided always, and be it Enacted, That the proportional interest of the Owners of such Land or Tithes, so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the Commissioners or Assistant Commissioners as hereinafter provided, shall be estimated according to the proportional sum at which such Lands or Tithes shall be rated to the relief of the Poor, or, if there shall be no such Rate, according to the rules by which property of the same kind is by law rateable to the relief of the Poor.

XIX.
Proportional interest in Lands and Tithes, how to be estimated for the purposes of this Act.

And be it Enacted, That in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the Chairman shall adjourn the meeting to any time and place then by him to be declared, *and so from time to time in case the same shall be in like manner desired by a majority of the persons attending such meeting*; and notice of every adjourned meeting shall be given under the hand of the Chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

XX.
Meeting may be adjourned.

And be it Enacted, That every such Agreement shall bear date on the day on which the first signature is attached thereto, and every such Agreement or some Schedule thereunto annexed shall set forth all the Lands of the said Parish which are subject to the payment of any kind of Tithes, and also the true or estimated quantity in statute measure of Land subject to Tithes within the Parish which shall be then cultivated as arable, meadow or pasture land, or as wood land,

XXI.
Form of Parochial Agreement.

common land, or howsoever otherwise, and shall also set forth whether any Modus or Composition real, or prescriptive or customary payment, shall be payable instead of all or any of the Tithes of the said parish, 20 and which Lands or Tithes respectively are covered thereby, and shall also set forth which of the said Tithes, Moduses, Compositions or payments are payable to the Tithe Owner, or if there ⁽¹⁾ is more than one Tithe Owner to each of the several Tithe Owners in the said parish, distinguishing in what right every such Tithe Owner is entitled to such Tithes, and shall also set forth whether any and which of the lands of the said parish are *or have been* under any and what circumstances exempt from the payment of any and what Tithes; and such Agreement shall also state in words at length, the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided) instead of the Tithes of the Lands comprised in the said Agreement, and instead of all Moduses and Compositions real, prescriptive and customary payments (if any), payable in respect of such lands, or the produce of such lands or any of them, distinguishing, if there is more than one Tithe Owner, the sum payable to every such Tithe 21 Owner, and where the Tithes of different Lands in the same parish are payable to different Tithe Owners, or to the same Tithe Owner in different rights, distinguishing the sum payable in respect of such different lands; and every such agreement shall also state all such other particulars as the Commissioners shall by any order from time to time require to be inserted in such Agreements.

XXII.
Commis-
sioners to
frame and
circulate
Forms of
Agreements,
&c.

And be it Enacted, That the Commissioners shall frame and cause to be printed, as soon as conveniently may be after their appointment, forms of Notices and Agreements and such other instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the Churchwardens and Overseers of any parish who may require the same, or to whom the Commissioners may think fit to send the same, for the use of any Land Owner or Tithe Owner desirous of putting this Act in execution.

XXIII.
Commissioner
or Assistant
Commissioner
may attend to
advise terms
of Agreement.

And be it Enacted, That any Commissioner or Assistant Commissioner, if the Commissioner shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no Commissioner or Assistant Commissioner, 22 during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the Commissioners in case of an award or apportionment by the Commissioners as hereinafter provided.

And

(¹) are

XXIV.
Suits and differences may be referred to Arbitration.

- And be it Enacted, That if any Suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability to Tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the Owners, or, if there shall be no owner actually in possession, for the persons claiming to be the
- 23 Owners of the Lands and Tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's Courts of Record, upon such terms of reference as the parties may agree upon, and the decision of the Arbitrator or Arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons : *Provided nevertheless, That no person being Owner of an estate in Land or Tithes less in the whole than an immediate estate of fee-simple or fee-tail, shall be empowered to submit to any such reference, so as to bind any person in remainder, reversion or expectancy, without the consent of the Commissioners, and that it shall be lawful for the Commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any person in remainder, reversion or expectancy of an estate of inheritance in the said Lands or Tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.*

XXV.
Agreements pending at the time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as parochial Agreements.

- And be it Enacted, That every Agreement for the commutation for a Rent-charge of the Tithes of any Lands which shall be pending at the time of the passing of this Act, and which shall be executed *before* or within Six calendar Months after the passing of this Act, by the Land Owners and Tithe Owners, or persons claiming to be such Owners, whose interest in the said Lands and Tithes shall not be less than Two-thirds of the said Lands, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes of the said Lands, and which shall be confirmed by the Commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any Parochial
- 24 Agreement, shall be as valid, and the Rent-charge agreed to be paid by any such Agreement shall be apportioned and charged, as hereinafter provided, among and upon the said Lands, as if the Agreement had been made and executed at a parochial meeting.

XXVI.
Consent of Patron to be given to every Agreement for Commutation of Ecclesiastical Tithe.

Provided always, and be it Enacted, That in every case in which any Tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no Agreement for the commutation of such Tithes made and executed under this Act shall be deemed to be

executed by the Owner of such Tithes, unless such consent thereto be given as is hereinafter mentioned; (that is to say) in the case of an Archbishop or Bishop, the consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the Incumbent of any other benefice or ecclesiastical dignity, the consent of the Patron or person entitled to present to such benefice or dignity, in case the same were then vacant; and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the Agreement, and taken to be part of the execution thereof. 25

XXVII.
Agreement to
be confirmed
by the Com-
missioners.

And be it Enacted, That every such Agreement, as soon as may be after it shall have been executed by a sufficient number of Land Owners and Tithe Owners whose interest in the Lands and Tithes of the parish respectively shall not be less than Two-thirds of the Lands subject to Tithes, Two-thirds of the Great Tithes and Two-thirds of the Small Tithes, shall be sent by the chairman of the meeting, or by the person in whose custody it shall then be, to the office of the Commissioners, and the Commissioners, by themselves, or by some Assistant Commissioner, shall cause inquiry to be made, and shall require such proof as will be satisfactory to them, whether or not the Agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the Agreement under their hands and seal, and shall add to such Agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish, in such manner as to them shall seem fit; and every such confirmed Agreement shall be binding on all persons interested in the said Lands or Tithes. 26

XXVIII.

Provided always, and be it Enacted, That before the Commissioners shall confirm any such Agreement relating to Tithes belonging to any Ecclesiastical Person in right of any Spiritual Dignity or Benefice, they shall communicate the same to the Bishop of the Diocese for his observations and opinion; and no such Agreement shall be confirmed by such Commissioners until Four Weeks shall have elapsed from the date of the transmission of such Agreement to such Bishop, unless the said Bishop shall sooner signify his approbation of such Agreement to the said Commissioners.

XXIX.

And be it Enacted, That any such Parochial Agreement may be made in manner and form aforesaid, for giving to any Ecclesiastical Owner in right of any Spiritual Benefice or Dignity of any Tithes or of any Rent-charge for which such Tithes shall have been commuted, any quantity not exceeding in the whole Twenty Imperial Acres of Land by way of commutation for the whole or an equivalent part of the
Great

Great or Small Tithes of the Parish, or in discharge of or exchange for the whole or an equivalent part of any Rent-charge agreed to be paid instead of such Tithes, but subject in every case to the provisions hereinafter contained ; and every such Agreement shall be made in such form, and contain such particulars, as the Commissioners shall in that behalf direct, specifying the Land, the Tithes whereof or Rent-charge for which such Tithes shall have been commuted, and giving full and sufficient descriptions of the quantity, state of culture and annual value of the Land proposed to be given in exchange for such Tithes or Rent-charge : Provided always, That the same consent and confirmation shall be necessary to any such Agreement as in the case of an Agreement for a Rent-charge, and that in case the said Agreement shall not extend to the whole of the Tithes of the Parish, an Agreement or Award as hereinafter provided, may and shall be made for the payment of a Rent-charge in satisfaction of the residue of the said Tithes ; and such Rent-charge, when agreed upon or awarded, or the residue thereof, shall be apportioned in manner hereinafter provided upon all the Lands of the Parish subject to the payment of Tithes, unless otherwise agreed upon by the parties to the said Parochial Agreement, except the Land so given by way of commutation, in like manner as if no Agreement for giving Land had been made : Provided also, That the Land so given shall be of Freehold Tenure, free from incumbrances, except Leases at improved Rent, Land Tax, or other usual outgoings.

XXX.

And be it Enacted, That in every case in which any such Agreement for giving Land shall be so entered into, the Commissioners shall satisfy themselves in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such Tithes or Rent-charge, and that the same are of the description and value set forth in such Agreement, and that such Agreement is conformable in every respect to the provisions hereinbefore contained respecting the same ; and the expense attending every such Agreement for giving Land, and the confirmation thereof, and of investigating the Title to the Land, shall be borne by the Owners of Land liable to the payment of Tithes within the Parish, in such proportions as they may agree, or in default of agreement, as the Commissioners may direct.

XXXI.

And be it Enacted, That such Agreement for giving Land confirmed by the said Commissioners, shall operate as a conveyance of such Land to the Owner of such Tithes or Rent-charge, and the Land so conveyed shall thereupon vest in and be and be deemed to be holden by such person or persons, and upon the like uses and trusts in every respect, as the Tithes or Rent-charge in commutation or exchange for which the same shall have been given, shall be vested and holden ; and for the purpose of making and completing any such Agreement, the provisions of this Act respecting persons under legal disability shall apply to every person party to such Agreement, or in whom any such Land shall be vested, and

whose concurrence or consent may be necessary to the perfecting thereof, or of the Title to such Land, as fully as if the same had been here repeated and re-enacted.

XXXII.

Appointment
of Valuers.

And be it Enacted, That at the said meeting, or at some adjournment thereof, or at some other parochial meeting, to be called in like manner, either before or after the confirmation of the Agreement, the Owners of Lands subject to Tithes in the said parish, or their agents present at the meeting, *may appoint a Valuer or Valuers; and in case the majority in respect of number, and the majority in respect of interest shall not agree upon the appointment, then they shall appoint Two or such other even number of Valuers as shall be then agreed on by such Land Owners; half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest of such Land Owners then present.* ⁽¹⁾

27

XXXIII.

Valuers to
apportion the
Rent-charge.

And be it Enacted, That as soon as may be after the choosing of such *Valuer or Valuers*, and after the confirmation of the said Agreement, the *Valuer or Valuers* so chosen shall apportion the total sum agreed to be paid by way of Rent-charge instead of Tithes, and the expenses of the apportionment, amongst the several Lands in the said parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the *Valuer or Valuers* shall be chosen, or if no principles shall be then agreed upon for the guidance of the *Valuer or Valuers*, then, having regard to the average titheable produce and productive quality of the Lands, according to *his or their* ⁽²⁾ discretion and judgment, ⁽³⁾ but subject in each case to the provisions hereinafter contained, and so that in each case the several Lands shall have the full benefit of every Modus and Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally 28 liable; provided that ⁽⁴⁾ *it shall be lawful for the said Valuers, when* ⁽⁵⁾ *an even number is chosen, (6) by any writing under their hands, to appoint an Umpire, before they proceed upon the business of such apportionment, and the decision of the Umpire on the questions in difference between the Valuers shall be binding on them, and shall be adopted by them in the apportionment.*

And

⁽¹⁾ Provided always, That the same person or persons may be chosen by each majority.

⁽²⁾ the

⁽³⁾ of the Valuers,

⁽⁴⁾ if

⁽⁵⁾ more than one

⁽⁶⁾ shall not agree with respect to the apportionment, or any part thereof, it shall be lawful for them,

XXXIV.
Valuers may enter on Lands for the purpose of valuing Tithes.

And be it Enacted, That the said Valuers and Umpire (if ⁽¹⁾ it shall become necessary for him to act) and their agents or servants at all reasonable times may enter upon any of the Lands to be included in the apportionment, and make an admeasurement, plan and valuation of the same, without being subject to any action or molestation for so doing : Provided always, That no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners, or some Assistant Commissioner or Justice of the Peace, 29 ⁽²⁾ a solemn declaration to the same purport and effect as the oath hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person instead of the word Commissioner, and adding to his signature the usual place of his residence; which declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice, to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners.

XXXV.
Old Plans and Surveys may be used, if the Valuers think proper.

And be it Enacted, That the *Valuer* or Valuers or Umpire may, if they think fit, use for the purposes of this Act any Admeasurement, Plan or Valuation previously made of the Lands or Tithes in question, of the accuracy of which they shall be satisfied; and that it shall be lawful for the Meeting at which such Valuer or Valuers shall be chosen to agree upon the adoption, for the purposes aforesaid, of any such Admeasurement, Plan or Valuation; and such agreement shall be binding upon the Valuer or Valuers: Provided always, That three-fourths of the Land-owners in number and value shall concur therein.

XXXVI.
After 1st of October 1837, Commissioners may ascertain total value of Tithes in any Parish in which no previous Agreement made.

And be it Enacted, That after the First day of October One thousand eight hundred and Thirty- ⁽³⁾ eight, the Commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total sum to be paid by way of Rent-charge instead of the Tithes of every Parish in England and Wales in which no such agreement binding upon the whole Parish as aforesaid shall have been made and confirmed as aforesaid : Provided nevertheless, That if any proceeding shall be had towards making and executing any such agreement after the Commissioners shall have given, or caused to be given, notice of their intention to act as aforesaid in such Parish, the Commissioners may refrain from acting upon such notice if they shall think fit, until the result of such proceeding shall appear.

And

⁽¹⁾ appointed

⁽²⁾ the

⁽³⁾ seven

XXXVII.

Value of
Tithes to be
calculated
upon an
average of
Seven Years.

And be it Enacted, That in every case in which the Commissioners shall intend making such Award, notice thereof shall be given in such manner as to them shall seem fit, and after the expiration of Twenty-one Days after such notice shall have been given, the Commissioners, or some Assistant Commissioner, shall, *except in the cases for which* 31 *provision is hereinafter made*, proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale and marketing, *where such Tithes have been taken in kind*) of the Tithes of ⁽¹⁾ the said Parish, according to the average of Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five : Provided, That if during the said period of Seven Years, or any part thereof, the said Tithes, or any part thereof, shall have been compounded for, or demised to the owner or occupier of any of the said Lands, in consideration of any rent or payment instead of Tithes, the amount of such composition or rent, or sum agreed to be paid instead of Tithes, shall be taken as the clear value of the Tithes included in such composition, demise or agreement during the time for which the same shall have been made ; and the Commissioners or Assistant Commissioner shall award the average *annual* 32 value of the said Seven Years so ascertained as the sum to be taken for calculating the Rent-charge to be paid as a permanent Commutation of the said Tithes : Provided also, That whenever it shall appear to the Commissioners that the party entitled to any such rent or composition shall ⁽²⁾ *in any one or more of the said Seven Years have allowed and made any abatement from the amount of such rent or composition, on the ground of the same having in any such Year or Years been higher than the real value of the Tithe, but not otherwise*, then and in every such case such diminished amount, after making such abatement as aforesaid, shall be deemed and taken to have been the sum agreed to be paid for any such year or years : Provided also, That in estimating the value of the said Tithes, the Commissioners or Assistant Commissioner shall estimate the same, ⁽³⁾ *without making any deduction therefrom on account of any Parliamentary, Parochial, County and other Rates, Charges and Assessments to which the said Tithes are liable ; and whenever the said Tithes shall have been demised or compounded for on the principle of the rent or composition being paid free from all such* 33 *Rates, Charges and Assessments, or any part thereof, the said Commissioners or Assistant Commissioner shall have regard to that circumstance, and shall make ⁽⁴⁾ an equivalent addition on account thereof.*

Provided

⁽¹⁾ all titheable matters arising in

⁽²⁾ in any One or more of the said Seven Years have allowed and made any abatement from the amount of such rent or composition, by reason of the same having in any such year or years been higher than it ought to have been ⁽³⁾ as chargeable to all ⁽⁴⁾ a fair

Tithes to be
valued as
chargeable to
Parochial and
County Rates.

XXXVIII.

Extreme
cases, how to
be modified.

Provided always, and be it Enacted, That in case notice in writing under the *hand of any Patron, or the hands of any Land Owners or Tithe Owners* whose interest in the Lands or Tithes of the Parish shall not be less than One-half of the Lands subject to Tithes, One-half of the great Tithes or One-half of the small Tithes of the Parish shall be given to the Commissioners or Assistant Commissioner acting in that behalf, within One calendar Month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent Commutation of the Great or Small Tithes of the said Parish, the Commissioners shall, *for the purpose of bringing the Rent-charges to be established by this Act nearer to the real value of the Tithes*, have power to diminish or increase the sum to be so taken by a sum amounting to not more than One-fifth part of the average value ascertained as aforesaid: Provided always, That every case which shall appear to the Commissioners to be fraudulent or collusive, or which, by reason of the length of time which shall have elapsed since the making of any Composition then in force, *or which, by reason of the peculiar interest in the Lands or Tithes of either of the parties to any Composition*, or by reason of any other special circumstances, ought in the judgment of the Commissioners to be separately adjudicated upon, shall be reserved for separate adjudication as hereinafter provided; and the Commissioners shall certify and report to One of His Majesty's Principal Secretaries of State, under their hands and seals, before the First day of May in the year One thousand eight hundred and Thirty-⁽¹⁾ *eight*, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said Report lay down such rules for the guidance of the Assistant Commissioners as may to them seem expedient, and ⁽²⁾ such Report shall be laid before Parliament within Six Weeks after the same shall have been received, or after the meeting of Parliament; and, unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners in the exercise of the discretion hereby vested in the Commissioners.

XXXIX.
Special Adju-
dications, how
to be made.

And be it Enacted, That the Commissioners shall from time to time report to One of His Majesty's Principal Secretaries of State, under their hands and seals, all the cases which under the power hereinbefore reserved to them in that behalf shall have been reserved for separate adjudication, and shall state in every such Report the reasons for so reserving every case mentioned therein, and the Commissioners shall in every such case award the Rent-charge to be paid as a permanent commutation for Tithes, ⁽³⁾ *having regard to the*
average

⁽¹⁾ seven⁽²⁾ every⁽³⁾ according

average rate which shall be awarded in respect of Lands of the like description and similarly situated in the neighbouring Parishes : ⁽¹⁾ Provided always, That a draft of such intended Award, with a copy of so much of the said Report as is applicable to such Award, shall be deposited in the Parish, and the Commissioners, or an Assistant Commissioner to be specially appointed by the Commissioners for that purpose, shall hear and determine all objections to the Award in the like manner as is herein provided in an ordinary case of award, and the Commissioners shall have power thereupon to amend the draft of the said Award accordingly. 36

XL.

How the Tithe of Wood, Hops, Fruit, and Garden produce is to be valued.

And be it Enacted, That in case any of the Lands in the Parish shall be Hop-grounds, Orchards or Gardens, and notice shall be given ⁽²⁾ *by the Owner thereof* to the Commissioners or Assistant Commissioner acting in that behalf that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average rate of Composition for the Tithes of Hops, Fruit and Garden Produce respectively, during Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, within a district to be assigned in each case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all Parliamentary, Parochial, County, and other Rates, Charges and Assessments to which *the said* Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the Parish ascertained as aforesaid. 37

XLI.

How the Tithe of Coppice Wood is to be valued.

And be it Enacted, That in case any of the Lands in the Parish shall be Coppices, and notice shall be given ⁽³⁾ *by the Owner thereof, or by the Owner of the Tithes thereof*, to the Commissioners or Assistant Commissioner acting in that behalf, that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof with a due regard ⁽⁴⁾ to the average value, estimated according to the best of their judgment, of Coppice Wood of the same kind cut ⁽⁵⁾ *during the said period of Seven Years* in that Parish and the neighbouring Parishes,

⁽¹⁾ or as near thereunto as the circumstances of each case may in their judgment require

⁽²⁾ as last aforesaid

⁽³⁾ as last aforesaid

⁽⁴⁾ to the value of the Coppice Wood at the last cutting thereof, and

⁽⁵⁾ in the years One thousand eight hundred and Thirty-four, One thousand eight hundred and Thirty-five, and One thousand eight hundred and Thirty-six

Parishes, estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which *the said* Tithes are liable, and shall add the clear value of the Tithes so estimated to the value of the other Tithes of the parish ascertained as aforesaid; and the Commissioners shall, in the Report which they are hereinbefore required to make to One of His Majesty's Principal Secretaries of State before the First day of May in the year One thousand eight hundred and Thirty-(¹) *eight* lay down rules for the guidance of the Assistant Commissioners in estimating the value of the Tithes of Coppice Wood; and unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners.

(²)

And

(¹) seven

(²) And be it Enacted, That the amount which shall be charged by any such apportionment upon any Hop Grounds or Market Gardens in any district so to be assigned shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge, and the Extraordinary Charge shall be a Rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the Valuers or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such commutation, shall be charged after the Thirty-first day of December next following such change of cultivation only with the ordinary charge upon such Lands; and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens at any time after such commutation, shall be charged with an additional amount of Rent-charge per imperial acre, equal to the Extraordinary Charge per acre upon Hop Grounds or Market Gardens respectively in that district: Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation; and an additional Rent-charge, by way of Extraordinary Charge upon Hop Grounds and Market Gardens newly cultivated as such beyond the limits of every district in which any Extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the Commission of the said Commissioners, and after the expiration of the Commission shall be charged in such manner and by such

39.
Provision for
the change of
culture of
Hop Grounds
and Market
Gardens.

XLII.

And be it Enacted, That in case any of the Lands in the Parish shall during any part of the said period of Seven Years preceding Christmas in the year One thousand eight hundred and Thirty-five, have been exempted from payment of Tithes by reason of having been enclosed under any Act of Parliament, or converted during that period from barren heath or waste ground, or by reason of being Glebe Lands or of having been heretofore parcel of the possessions of any privileged order, and notice shall have been given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf, that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof according to the average value which shall be ascertained as aforesaid in respect of Lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all Parliamentary, Parochial, County and other Rates, Charges and Assessments to which the said Tithes are liable, and shall add the value so estimated to the value of the other Tithes of the Parish ascertained as aforesaid.

XLIII.

Moduses, &c.
how to be
allowed for in
the Award.

And be it Enacted, That if any Modus or Composition real, or prescriptive or customary payment shall be payable instead of the Tithes of any of the Lands or produce thereof in the said Parish, the Commissioners or Assistant Commissioner shall in such case estimate the amount of such Modus, Composition or payment as the value of the Tithes payable in respect of such Lands or produce respectively, and shall add the amount thereof to the value of the other Tithes of the Parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to Tithes of any Lands or any part of the produce of such Lands: Provided also, That, if it shall appear to the said Commissioners or Assistant Commissioner that any question concerning any Modus or Composition real, prescriptive or customary payment, or claim of exemption from or non-liability to the payment of Tithes relating to the Lands in question, shall have been decided by competent authority before the making of the said Award, the Commissioners or Assistant Commissioner shall act on the principle established by such decision, and shall make their Award as if such decision had been made at the beginning of the said period of Seven Years.

And

authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an Extraordinary Charge charged upon any Hop Grounds or Market Gardens at the time of commutation.

XLIV.

Commissioners may hear and determine disputes.

41 And be it Enacted, That if any Suit shall be pending touching the right to any Tithes, or if there shall be any question as to the existence of any Modus or Composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability under any circumstances to the payment of any Tithes in respect of any Lands or any kind of produce, or touching the situation or boundary of any Lands, or if any difference shall arise whereby the making of any such Award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner to appoint a time and place in or near the Parish for hearing and determining the same; and the decision of the Commissioners or Assistant Commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained.

XLV.

Subject to Appeal by an Issue at Law.

42 Provided always, and be it Enacted, That any person claiming to be interested in any Lands or in the Tithes thereof who shall be dissatisfied with any such decision of the Commissioners or Assistant Commissioner, may, if the yearly value of the payment to be made or withheld according to such decision shall exceed the sum of Twenty Pounds, cause any action to be brought in any of His Majesty's courts of law at Westminster against the person in whose favour such decision shall have been made, within Three calendar Months next after such decision shall have been notified in writing, in such manner as the Commissioners or Assistant Commissioner shall direct, to the parties interested therein or to their known agents; in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term or at the assizes then next or next but one after such action shall have been commenced to be holden for the county within which such Lands, or the greater part thereof, are situated, with liberty nevertheless for the Court in which the same shall have been commenced, or any Judge of His Majesty's courts of law at Westminster, to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so

43 to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance or accept such issue, then the same shall be settled under the direction of the Court in which the action shall be brought, or by any Judge of His Majesty's courts of law at Westminster; and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any Judge may order before trial, and also to the Court and Jury upon the trial of any such issue, all books, deeds, papers and writings, terriers, maps, plans and surveys relating to the

matters in-issue in their respective custody or power ; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the Jury to find a verdict, subject to the opinion of the Court upon a special case ; and the verdict which shall be given in any such action, or the judgment of the Court upon the case subject to which the same may be given, shall be final and binding upon all parties thereto, unless the Court wherein such action shall be brought, shall set aside such verdict and order a new trial to be had therein, which it shall be lawful for the said Court to do, if it shall see fit : Provided also, That in case any decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said Commissioners or Assistant Commissioner, at the request of the person dissatisfied, (such request to be made in writing within Three calendar Months after such decision, and at least Fourteen Days' previous notice in writing of such request to be given in like manner to the other parties in difference or to their known agents,) shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at Westminster as the Commissioners or Assistant Commissioner shall think fit, which case shall be settled by them or him, or under their or his direction in case the parties differ about the same, and may be set down for argument and be brought before the Court in like manner as other cases are brought before the Court ; and the decision of such Court upon every case so brought before it shall be binding upon all parties concerned therein : Provided always, That after such verdict given and not set aside by the Court, or after such decision of the Court, the said Commissioners or Assistant Commissioner shall be bound by such verdict or decision ; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the Court ; and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said Court.

Or by taking
the opinion of
a Court of
Law thereon.

XLVI.
Proceedings
not to abate
by Death of
Parties.

And be it Enacted, That no proceeding of or before the Commissioners or any Assistant Commissioner, or in any action, or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

XLVII.
In case of
Deaths of
Parties before
Actions
brought, &c.,
the same to be
carried on and
defended in
their Names.

And be it Enacted, That if any person in whose favour any such decision of the Commissioners or any Assistant Commissioner shall have been made shall die before any such action shall have been brought or case stated, and before the expiration of the time herein-before limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated against the

the person so dying, to bring or have the same within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner with process and notices relating thereto, in the same manner as the person deceased might have been served therewith if living; and it shall be
 47 lawful for every person entitled to the benefit of such decision as aforesaid, or, in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband or attorney respectively, or, in default thereof, such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case; and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action or the decision upon such case, as if such person had been living; and the costs of every such action or case shall be in the discretion of the Court as aforesaid.

Provided always, and be it Enacted, That nothing in this Act contained shall revive any right to Tithes which now is or hereafter
 48 shall be barred by any law in force for shortening the time required in claims of Modus decimandi or exemption from or discharge from Tithes, or for the limitation of actions and suits relating to real property.

XLVIII.
Statutes of
Limitation
not to be
affected.

And be it Enacted, That as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences, then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total value of all the Tithes of the said Parish, the Commissioners or Assistant Commissioner shall frame the draft of an Award, declaring that the sum ascertained as aforesaid shall be the amount of the Rent-charge to be paid in respect of the Tithes of the said Parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial Agreement, or any Schedule thereto: *Provided always, That no such Award shall be made for giving Land instead of the Tithes of the Parish.*

XLIX.
Commission-
ers to award
total sum to be
paid for the
Tithes of the
Parish.

And be it Enacted, That as soon as the said draft shall have been made by the Commissioners or Assistant Commissioner, they or he shall deposit a copy of the same, and of any special Report thereunto
 49 annexed, at some convenient place within the said Parish, for the inspection of all persons interested in the said Lands or Tithes, and shall forthwith give notice, in such manner as to the Commissioners shall seem fit, where the said copy may be inspected;

L.
Commis-
sioners may
hear and
determine
objections to
the Award.

and shall also in such notice appoint some convenient place and time (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to such intended Award by any person interested therein; and the said Commissioners or Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to the said intended Award, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the Lands or Tithes, or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they or he shall amend the draft of such Award accordingly, if they or he shall see occasion. 50

LII.
Award to be
confirmed by
the Commis-
sioners.

And be it Enacted, That as soon as the Commissioners or Assistant Commissioner shall have made such amendments in the draft of the Award, as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the Office of the Commissioners, and the Commissioners shall satisfy themselves that all the proceedings incident to the making of such Award have been duly performed; and if they shall think that the Award ought to be confirmed, shall confirm the same under their hands and seal, and shall add to the Award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof, in the Parish, in such manner as to them shall seem fit; and every such confirmed Award shall be binding on all persons interested in the said Lands or Tithes. 51

LIII.
Commission-
ers to summon
a Parochial
Meeting to
appoint
Valuers.

And be it Enacted, That as soon as the Commissioners shall have confirmed any such Award, the Commissioners or some Assistant Commissioner shall call a parochial meeting of the Owners of Land subject to Tithes in the said Parish, for the purpose of choosing Valuers to apportion the amount so awarded among the Lands of the Parish, and shall give notice thereof in writing under their or his hands, to be fixed at least Twenty-one Days before such meeting on the principal outer door of the Church, or in some public and conspicuous place within the Parish; and Valuers or a single Valuer may be chosen at such meeting by the Land Owners then present in like manner, and the Valuers so chosen shall act with the same powers and be subject to the same provisions as if the Rent-charge so awarded had been agreed to at a parochial meeting of the Land Owners and Tithe Owners of the Parish, and the Valuers had been thereupon chosen as aforesaid.

And

52 And be it Enacted, That if upon the expiration of ⁽¹⁾ Six calendar Months after the day of the date of the confirmation of any Agreement or Award, no Valuer or Valuers shall have been appointed, or the apportionment by such Valuers or Valuer shall not have been made and sent to the office of the Commissioners as hereinafter provided, it shall be lawful for the Commissioners or some Assistant Commissioner, to apportion the Rent-charge, previously agreed or awarded to be paid, among the Lands of the said Parish, having regard to the average Titheable Produce and productive quality of the said Lands, according to the discretion and judgment of the Commissioners or Assistant Commissioner, but subject to the provisions hereinafter contained, and so that the several Lands may have the full benefit in each case of every Modus, Composition real, prescriptive and customary payment, and of every exemption from or non-liability to Tithes relating to the said Lands respectively, and having regard to the several Tithes to which the said Lands are severally liable.

LIII.

If valuation
not completed
in Three
Months, Com-
missioners to
apportion.

LIV.

And be it Enacted, That the amount which shall be charged by any such apportionment upon any Hop Grounds or Market Gardens in any district so to be assigned as aforesaid, shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge, and the extraordinary charge shall be a Rate per Imperial Acre, and so in proportion for less quantities of Ground, according to the discretion of the Valuers or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such Commutation, shall be charged, after the Thirty-first day of December next following such change of cultivation, only with the ordinary charge upon such Lands; and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens at any time after such Commutation, shall be charged with an additional amount of Rent-charge per Imperial Acre equal to the extraordinary charge per Acre upon Hop Grounds or Market Gardens respectively in that district: Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation, and an additional Rent-charge by way of extraordinary charge upon Hop Grounds and Market Gardens newly cultivated, as such beyond the limits of every district in which any extraordinary charge for Hop Grounds or Market Gardens respectively shall

(1) Three

shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said Commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any Hop Grounds or Market Gardens at the time of Commutation.

LV.
Form of Ap-
portionment.

And be it Enacted, That a Draft of every Apportionment shall be made, and shall set forth the Agreement or Award, as the case may be, upon which such Apportionment is founded, and every Schedule thereunto annexed; and the said Draft, or some Schedule thereunto annexed, whether made by or under the direction of the Valuers or Commissioners or Assistant Commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several Lands to be comprised in the Apportionment, and shall set forth the names and description of the several Proprietors and Occupiers thereof, and whether the said several Lands are then cultivated as arable, meadow or pasture land, or as woodland, common land, or howsoever otherwise, and shall refer by a number set against the description of such Lands to a map or plan to be drawn on *paper* or parchment, and the same number shall be marked on the representation of such Lands in the said map or plan, and the draft of the Apportionment shall also state the amount charged upon the said several Lands, and to whom and in what right the same shall be respectively payable. 53 54

LVI.
Comptroller of
Corn Returns
to publish
Average Price
of Corn.

And be it Enacted, That immediately after the passing of this Act, and also in the month of January in every year, the Comptroller of Corn Returns for the time being, or such other person as may from time to time be in that behalf authorized by the Privy Council, shall cause an Advertisement to be inserted in the London Gazette, stating what has been, during Seven Years ending on the Thursday next before Christmas-day then next preceding, the average price of an imperial bushel of British Wheat, Barley and Oats, computed from the weekly averages of the Corn Returns.

LVII.
Rent-charges
to be valued
according to
the average
price of Corn.

And be it Enacted, That every Rent-charge charged upon any Lands by any such intended Apportionment shall be deemed at the time of the confirmation of such Apportionment, as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of Wheat, Barley and Oats, as the same would have purchased at the prices so ascertained by the Advertisement 55

vertisement to be published immediately after the passing of this Act, in case One-third part of such Rent-charge had been invested in the purchase of Wheat, One-third part thereof in the purchase of Barley, and the remaining Third part thereof in the purchase of Oats; and the respective quantities of Wheat, Barley and Oats so ascertained shall be stated in the Draft of every Apportionment.

LVIII.
Rent-charge
may be
specially
apportioned.

And be it Enacted, That it shall be lawful for the Valuers or Commissioners or any Assistant Commissioner, upon the request of any Land Owner, at any time before the confirmation of the Apportionment, to apportion the whole Rent-charge intended to be charged upon any Lands of such Land Owner held under the same title and for the same estate, in the same Parish, specially upon the several closes or portions of such Lands, or according to an acreable rate or acreable rates, upon Lands of different quality, in such manner and in such proportion, and to the exclusion of such of them as the Land
56 Owner, with the consent of the person entitled to such Rent-charge, may direct; and the particulars of every such special Apportionment shall be included in the Draft of the Apportionment, and taken to be a part thereof: Provided always, That the extra expenses of every such special Apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as
* other costs of the Apportionment are recoverable, and that no close of Land shall be charged with any Rent-charge or share of Rent-charge on account of the Tithes of any other Lands, unless the value of such Lands shall be at least three times the value of the whole Rent-charge upon such Lands.

LIX.
Commission-
ers to have
the power of
Valuers as to
entry in
Lands, &c.

And be it Enacted, That for the purpose of making any such Apportionment, as well as for the purpose of making any Award as hereinbefore provided, the Commissioners and Assistant Commissioners may employ such Land Surveyors and Tithe Valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, map-
57 ping and planning, after any rate not exceeding Two Guineas, to every such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their Award or Apportionment respectively; and the said Commissioners and Assistant Commissioners, and the Land Surveyors and Tithe Valuers employed by them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the Valuers appointed at a parochial meeting, except that they shall not be bound to adopt any principles of Apportionment agreed to at any parochial meeting: *Provided always, That it shall be lawful for such Commissioners and Assistant Commissioners to make any agreement with any such Land Surveyors or Tithe Valuers for the payment to the same of one sum for the whole Duty, or any part thereof, to be performed by them respectively.*

LX.

Apportionment to be annexed to the Award and sent to the Commissioners.

And be it Enacted, That the Draft of every Apportionment, whether made by or under the direction of the Commissioners or any Assistant Commissioner, or by any Valuer or Valuers appointed as hereinbefore is provided, shall be signed by the person by or under whose direction it shall have been made, and shall be sent, together with the Map or Plan therein referred to, by the person by whom it is signed, to the office of the Commissioners, or otherwise to some Assistant Commissioner as the Commissioners may direct, with such proof as the Commissioners may require, that every proceeding incident to the making of such Draft of Apportionment has been duly performed. 58

LXI.

Commissioners may hear and determine objections to Apportionment.

And be it Enacted, That as soon as the Draft of any such Apportionment verified as aforesaid shall have been sent to the Commissioners, they shall cause a copy of the same to be deposited at some convenient place within the said parish, for the inspection of all persons interested in the said Lands or Tithes, and shall forthwith cause notice to be given, in such manner as to them shall seem fit, where the said copy may be inspected; and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to the intended Apportionment, by any person interested therein; and the said Commissioners or some Assistant Commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended Apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the Lands or any of them; and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they and he are and is hereby required to cause such Apportionment to be amended accordingly, if they or he shall see occasion. 59

LXII.

And be it Enacted, That it shall be lawful for the Owner of any Lands chargeable with any such Rent-charge, to agree at any time before the confirmation of any such Instrument of Apportionment with any ecclesiastical person, being the Owner of the Tithes thereof in right of any Spiritual Benefice or Dignity, for giving Land instead of the Rent-charge charged or about to be charged upon his Lands; and every such Agreement shall be made under the hands and seals of the Landowner and Tithe-owner, and shall contain all the particulars hereinbefore required to be inserted in a Parochial Agreement for giving Land instead of Tithes or Rent-charge: Provided always, That no such Tithe-

Tithe-owner shall be enabled to take or hold more than Twenty Imperial Acres of Land in the whole, by virtue of any such Agreement or Agreements made in the same Parish; and the same consent and confirmation relatively to the Lands and Tithes comprised in the said Agreement shall be necessary to any such Agreement, as in the case of a Parochial Agreement for giving Land instead of Tithes; and all the provisions hereinbefore contained concerning a Parochial Agreement for giving Land, shall be applicable to every such Agreement as hereinbefore last mentioned, so far as concerns the Lands and Tithes comprised in the said Agreement: Provided also, That any Amendment which shall be made in the Draft of Apportionment before confirmation thereof, and subsequent to any such Agreement for giving Land instead of Rent-charge, whereby the charge upon the Lands referred to in such Agreement shall be altered, shall be taken to annul the execution of such Agreement for giving Land, and any consent which may have been necessary thereunto.

LXIII.
Confirmation
by the Com-
missioners.

And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such objections (if any) shall have been finally disposed of, the Commissioners or Assistant Commissioner shall cause
60 the instrument of Apportionment to be ingrossed on parchment, and shall annex the Map or Plan thereunto belonging, to the ingrossed instrument of Apportionment, and shall sign the instrument of Apportionment, and the Map or Plan, and shall send both to the office of the Commissioners, and if the Commissioners shall approve the Apportionment they shall confirm the instrument of Apportionment under their hands and seal, and shall add thereunto the date of such confirmation; ⁽¹⁾

And

⁽¹⁾ and Two Copies of every confirmed instrument of Apportionment shall be made and sealed with the seal of the said Commissioners, and one such copy shall be deposited in the Registry of the Diocese within which the parish is situated, to be there kept among the records of the said Registry, and the other copy shall be deposited with the Incumbent and Church or Chapel Wardens of the parish for the time being, or such other fit persons as the Commissioners shall approve, to be kept by them and their successors in office with the public books,
61 writings and papers of the parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two Words contained in such copy or extract; and every recital or statement in, or Map or Plan annexed to, such confirmed Apportion-
490. D 3 ment,

Transcripts of
the Award to
be sent to the
Registrar of
the Diocese,
and to the
Incumbent
and Church-
wardens.

LXIV.

And be it Enacted, That Two Copies of every confirmed Instrument of Apportionment, and of every confirmed Agreement for giving Land instead of any Tithes or Rent-charge, shall be made and sealed with the Seal of the said Commissioners; and one such Copy shall be deposited in the Registry of the Diocese within which the Parish is situated, to be there kept among the Records of the said Registry, and the other Copy shall be deposited with the Incumbent and Church or Chapel-wardens of the Parish for the time being, or such other fit persons as the Commissioners shall approve, to be kept by them and their successors in office, with the public Books, Writings and Papers of the Parish; and all persons interested therein may have access to, and be furnished with Copies of or Extracts from any such Copy, on giving reasonable Notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and every recital or statement in a Map or Plan annexed to such confirmed Apportionment or Agreement for giving Land, or any sealed Copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

LXV.

Commissioners may require notice of Agreements or Awards, to be given to Reversioner.

And be it Enacted, That the Commissioners, if they shall see fit, before confirming any Agreement, Award or Apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion or expectancy of an estate of inheritance in any Lands or Tithes, or any other person to whom they may think notice ought to be given, and may by themselves, or by some Assistant Commissioner, hear and determine any objection made to such confirmation by any person interested therein, and may direct any Award or Apportionment to be amended accordingly.

62

LXVI.

Agreements, Awards and Apportionments not to be questioned after confirmation.

And be it Enacted, That no confirmed Agreement, Award or Apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto.

LXVII.

Lands to be discharged from Tithes, and Rent-charge paid in lieu thereof.

And be it Enacted, That from the First day of January next following the confirmation of every such Apportionment, the Lands of the said Parish shall be absolutely discharged from the payment of all Tithes, except so far as relates to the liability of any Tenant at rack-rent dissenting as hereinafter provided, and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the

said

ment, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such Plan.

63 said Apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of Wheat, Barley and Oats respectively mentioned therein to be payable instead of the said Tithes, in the nature of a Rent-charge, issuing out of the Lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the First day of July and First day of January in every year, the first payment, *except in the case of barren reclaimed Lands, as hereinafter provided*, being on the First day of July next after the Lands shall have been discharged from Tithes as aforesaid; and such Rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after every First day of January, the sum of money thenceforth payable in respect of such Rent-charge shall vary so as always to consist of the price of the same number of bushels and decimal parts of a bushel of Wheat, Barley and Oats respectively, according to the prices ascertained by the then next preceding advertisement; and any person entitled from time to time to any such varied Rent-charge, shall have the same powers for enforcing payment thereof as are herein contained concerning the original Rent-charge: Provided always, That nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such Rent-charge: *Provided always, That the Rent-charge which shall be apportioned upon any Lands in the said Parish, which during any part of the said period of Seven Years preceding Christmas One thousand eight hundred and Thirty-five were exempted from Tithes by reason of having been inclosed under any Act of Parliament, or converted from Barren Heath or Waste Ground, shall be payable for the first time on the First day of July or First day of January next following the confirmation of the apportionment which shall be nearest to the time at which Tithes were or would have become payable for the first time in respect of the said Lands, if no Commutation thereof had taken place.*

64

And be it Enacted, That from the First day of January next following the confirmation of every parochial or other agreement for giving Land instead of any Tithes or Rent-charge, the Lands of the Parish in which any such agreement shall be made, shall be absolutely discharged from the payment of the Tithes or Rent-charge for which it shall have been agreed that such Land shall be given.

LXVIII.

And be it Enacted, That every Rent-charge payable as aforesaid instead of Tithes, shall be subject to all Parliamentary, Parochial and County and other Rates, ⁽¹⁾ Charges and Assessments, in like manner as the Tithes commuted for such Rent-charge have heretofore been subject.

LXIX.
Rent-charge
to be liable to
Parochial and
County Rates.

And

LXX.

How Rates
and Charges
are to be
recovered.

And be it Enacted, That all Rates and Charges to which any such Rent-charge is liable shall be assessed upon the Occupier of the Lands out of which such Rent-charge shall issue, and in case the same shall not be sooner paid by the Owner of the Rent-charge for the time being, ⁽¹⁾ may be recovered from such Occupier in like manner as any Poor Rate assessed on him in respect of such Lands; and any Occupier holding such Lands under any Landlord, *and* who shall have paid any such Rate or Charge in respect of any such Rent-charge, shall be entitled to deduct the amount thereof from the Rent next payable by him to his Landlord for the time being, and shall be allowed the same in account with his Landlord; and any Landlord or Owner in possession who shall have paid any such Rate or Charge, or from whose Rent the amount of any such Rate or Charge in respect of any such Rent-charge shall have been so deducted, or who shall have allowed the same in account with any Tenant paying the same, shall be entitled to deduct the amount thereof from the Rent-charge, or by all other lawful ways and means to recover the same from the Owner of the Rent-charge, his Executors and Administrators; provided that the Owner of every such Rent-charge shall have and be entitled to the like right of demanding, inspecting and taking copies of every Assessment containing such Rate or Charge, and of Appeal against the same, and the like power of prosecuting such Appeal, and the like remedies in respect thereof, as any Occupier or Rate-payer has or may have in the case of Poor Rates, although such Rate or Charge is herein made assessable upon the Occupier, and the Owner of the Rent-charge is not mentioned by name in such Assessment.

LXXI.

Rent-charge
to be subject
to the same
incumbrances
and incidents
as Tithe
before this
Act.

And be it Enacted, That any person having any interest in or claim to any Tithes, or to any Charge or Incumbrance upon any Tithes, before the passing of this Act, shall have the same right to or claim upon the Rent-charge for which the same shall be commuted as he had to or upon the Tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the Rent-charge had accrued after the Commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate in any such Rent-charge, shall be taken to be an estate of freehold, and every Estate in any such Rent-charge shall be subject to the same *liabilities and incidents* as the like estate in the Tithes commuted for such Rent-charge; *and where any Lands were exempted from Tithe whilst in the occupation of the Owner thereof by reason of being Glebe, or of having been heretofore parcel of the possessions of any privileged order, the same*
Lands

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(¹) it

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Lands shall be in like manner exempted from the payment of the Rent-charge apportioned on them whilst in the occupation of the Owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed, any Tithes are authorized to be sold, exchanged, appropriated or applied in any way, the Rent-charges for which such Tithes may be commuted under the provisions of this Act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied to all intents and purposes in like manner as such Tithes; and the same powers of sale, exchange and appropriation shall in all such cases extend to and may be exercised in respect of the said Commutation Rent-charges; and the money to arise by the sale of such Rent-charges shall or may be invested, appropriated and applied to the same purposes and in like manner as the money to arise by the sale of any such Tithes might have been invested, appropriated and applied under such particular Act or Acts, in case this Act had not been passed; and no such Rent-charge shall merge or be extinguished in any Estate of which the person for the time being entitled to such Rent-charge may be seised or possessed in the Lands on which the same shall be charged: Provided always, That it shall be lawful for any person seised in possession of an Estate in fee-simple or fee-tail of any (1) Tithes or Rent-charge in lieu of Tithes, by any deed or declaration under his hand and seal, to be made in such form as the said Commissioners shall approve, and to be confirmed under their seal, to release, assign or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the Lands on which the same shall have been charged.

66 And be it Enacted, That if at any time subsequent to the confirmation of any such instrument of Apportionment the Owner of any Lands charged with any such Rent-charge shall be desirous that the Apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land-tax for the county or place where the said Lands are situate, or any Three of them, to alter the Apportionment in such manner and in such proportion and to the exclusion of such of the Lands as the Land Owner, with the consent of Two Justices of the Peace acting for the County, Riding, Division, or other Jurisdiction in which the Lands are situated, may direct; and such altered Apportionment shall be made by an instrument in writing under the hands and seals of the said Commissioners of Land-tax and of the said Land Owner and Justices, of the like form and tenor as to the said Lands as the original Apportionment, and bearing date the day of its execution by the said Commissioners of Land-tax, subject to the provision hereinbefore contained with respect to the value of Lands on which any Rent-charge may be charged on account of the Tithes of

LXXII.
Apportionment may be altered by Commissioners of Land-tax, if desired.

(1) such Rent-charge

of any other Lands; and every such altered Apportionment shall be 67
as valid as if made and confirmed by the Tithe Commissioners as
aforesaid, and shall be taken to be an Amendment of the original
Apportionment; and in every such case Two counterparts of the
instrument of altered Apportionment, under the hands and seals of
the said Commissioners of Land-tax and Justices and Land Owner,
shall be sent, one to the Registrar of the Diocese, and one to the
Incumbent and Church or Chapel Wardens, or other person having
the custody of the other copy of the original instrument of Apportion-
ment; and one counterpart shall be annexed to the copy of the instru-
ment of Apportionment in the custody of the Registrar and such other
person respectively, and taken to be an Amendment thereof; and
thenceforward such Lands shall be charged only according to such
altered Apportionment; and all expenses of such alteration shall be
borne by the Land Owner desiring the same.

LXXIII.

Expenses of
Witnesses to
be paid under
the direction
of the Com-
missioners.

And be it Enacted, That the Commissioners or Assistant Commis- 68
sioner, in any case where they or he may see fit, may order such
expenses of witnesses, and of the production of any Books, Deeds,
Contracts, Agreements, Accounts or Writings, Terriers, Maps, Plans
and Surveys, or copies thereof, and all other expenses (except the
salary or allowance to any Commissioner or Assistant Commissioner)
incurred in the settlement of any suit or difference, or in the hearing
and determining any objection to any Award or Apportionment before
the said Commissioners or any Assistant Commissioner, to be paid by
such parties interested in the production thereof respectively, or in the
event of such suit, difference or objection, and in such proportions
as the Commissioners or Assistant Commissioner shall think fit and
reasonable.

LXXIV.

Expenses of
making any
Award to be
paid by the
Land Owners
and Tithe
Owners as the
Commission-
ers may direct.

And be it Enacted, That the allowances to and expenses of Land
Surveyors and Tithe Valuers necessary for making any Award, and all
other expenses of or incident to making the said Award, except the
salary or allowance to any Commissioner or Assistant Commissioner,
and except any expenses which the Commissioners or any Assistant 69
Commissioner, or any Court or Arbitrator, may be authorized to order
and may have ordered to be otherwise paid, shall be borne and paid
by the Land Owners and Tithe Owners interested in the said Award,
in such proportion, time and manner as the Commissioners or Assistant
Commissioner shall direct.

LXXV.

Expenses of
Apportion-
ment to be
borne rateably
by the Land
Owners.

And be it Enacted, That all the expenses of or incident to making
any Apportionment (except the salary or allowance to any Commis-
sioner or Assistant Commissioner, and except any expense which the
Commissioners or Assistant Commissioner may be authorized and
may have ordered to be otherwise paid,) shall be borne and paid by
the

the Owners of Lands included in the Apportionment in rateable proportion to the sum charged on the said Lands in lieu of Tithes by such Apportionment.

And be it Enacted, That if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be
 70 lawful for the Commissioners or some Assistant Commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such Certificate before any Two Justices of the Peace for the county, or other jurisdiction wherein the Lands mentioned in the Agreement or Award, or Apportionment are situate, such Justices, upon the non-payment thereof, are hereby required, by Warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any) after deducting the charges of the distress and sale to the person distrained upon.

LXXVL
 Expenses may
 be recovered
 by warrant
 of distress.

And be it Enacted, That every Owner of an estate in Land or Tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the
 71 consent of the Commissioners, and in such manner as they may direct, charge so much of the expenses of Commutation as is to be defrayed by him, or any part thereof, *and the interest thereon, after the rate of Four Pounds by the hundred*, upon the Lands whereof the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively; but so nevertheless that the charge upon such Lands or Rent-charge respectively shall be lessened in every year following such Commutation by One-twentieth part at least of the whole original charge thereon.

LXXVII.
 Owners of
 particular
 Estates may
 charge the
 Costs on the
 Estate for
 Twenty Years.

And be it Enacted, That every Ecclesiastical beneficed Person who shall commute the Tithes of his Benefice under this Act, may advance or borrow the sum necessary to defray so much of the expenses of Commutation as is to be defrayed by him, or any part thereof, and as
 72 a security for repayment may charge or assign the Rent-charge to be received instead of such Tithes for Twenty Years, or until the principal sum advanced or borrowed, and the interest thereon, *after the rate of Four Pounds by the hundred*, and the expenses of such charge or assignment, shall be sooner paid; and every Incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within One Calendar Month next following, and also an instalment at the rate of Five Pounds for every Hundred Pounds of the principal sum advanced or borrowed, and in default of such payment the Ordinary

LXXVIII.
 Costs of
 Ecclesiastical
 Tithe Owners
 may be
 charged on the
 Benefice for
 Twenty Years.

nary may sequester the profits of the Benefice until such payments shall be made : Provided, That the Sum to be so advanced or borrowed, shall be ascertained and certified under the hand of any Commissioner or Assistant Commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such Ecclesiastical beneficed Person in relation to such Commutation.

LXXIX.

If Tenant of Lands at Rack-rent dissent from paying the Rent-charge, the Landlord may take the Tithes during the tenancy.

And be it Enacted, That any Tenant or Occupier who at the time of such Commutation shall occupy at rack-rent any Lands of which the Tithes shall be so commuted, may within One calendar Month next 73 after the confirmation of the Apportionment by the Commissioners, signify by writing under his hand, given to or left at the usual residence of his Landlord or his Agent, his dissent from being bound to pay any Rent-charge apportioned and charged on the said Lands as aforesaid, and in that case such Landlord shall be entitled, from the time when the said Apportionment shall take effect, and during the tenancy or occupation of such Tenant or Occupier, to stand, as to the perception and collection of Tithes, or receipt of any Composition instead thereof, in the place of the Owner of the Tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such Tithes or Composition, which the Tithe Owner would have had if the commutation had not taken place.

LXXX.

Tenant paying Rent-charge to be allowed the same in account with his Landlord.

And be it Enacted, That any Tenant or Occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such Rent-charge as aforesaid, or who shall hold his 74 Lands under a lease or agreement, providing that the same shall be holden and enjoyed by him free of Tithes, and every Tenant or Occupier, who shall occupy any Lands by any lease or agreement made subsequently to such commutation, and who shall pay any such Rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

LXXXI.

When Rent-charge is in arrear for 21 Days after half-yearly days of payment, the person entitled thereto may distrain.

And be it Enacted, That in case the said Rent-charge shall at any time be in arrear and unpaid for the space of Twenty-one Days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left Ten Days' notice in writing at the usual or last known residence of the Tenant in possession, to distrain upon the Lands liable to the payment thereof, or on any part thereof, for all arrears of the said Rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation 75 thereto as any Landlord may for arrears of rent reserved on a common lease for years : Provided, That not more than Two Years' arrears shall at any time be recoverable by distress.

And

LXXXII.
When Rent-
charges are in
arrear for 40
Days after
half-yearly
days of pay-
ment, Writ
to be issued
directing
Sheriff to
summon Jury
to assess
arrears.

76 And be it Enacted, That in case the said Rent-charge shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any Judge of His Majesty's Courts of Record at Westminster, upon affidavit of the facts, to order a writ to be issued, directed to the Sheriff of the county in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the arrears of Rent-charge remaining unpaid, and to return the inquisition thereupon taken to some one of His Majesty's Courts of Law at Westminster, on a day therein to be named, either in Term time or Vacation; a copy of which ⁽¹⁾ Writ, and notice of the time and place of executing the same, shall be given to the Owner of the Land, or left at his last known place of abode; or with his known agent, Ten Days previous to the execution thereof; and the Sheriff is hereby required to execute such ⁽²⁾ Writ according to exigency thereof; and the costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have possession of the Lands chargeable therewith until the arrears of Rent-charge found to be due, and the said costs, and also the costs of such Writ and of executing the same, and of cultivating and keeping possession of the Lands, shall be fully satisfied: Provided always, That not more than Two Years' arrears over and above the time of such possession shall be at any time recoverable.

LXXXIII.
Account, how
to be ren-
dered.

* 77 And be it Enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ, from time to time to render an account of the rents and produce of the Lands and of the receipts and payments in respect of the same, and ⁽³⁾ to pay over the surplus, if any, to the person for the time being entitled thereunto, after satisfaction of such arrears of Rent-charge and all costs and expenses as aforesaid, and thereupon to order a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by rule or order of such Court or Judge from time to time to give such summary relief to the parties as to the said Court or Judge shall seem fit.

(4)

Provided

(1) Warrant (2) Warrant (3) on

(4) And be it Enacted, That where any Quaker liable to pay any such Rent-charge for which any Tithes shall have been commuted shall refuse to pay the same, the like remedy shall and may be had

77.
For recovery
of Rent-
charges from
Quakers.

Provided always, and be it Enacted, That in all cases in which it shall be necessary to make any Distress under this Act in respect of any Lands in the possession of any person of the persuasion of the people called Quakers, the same may be made upon the goods, chattels or effects of such person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises, and that in all cases of distress under this Act upon persons of that persuasion, the goods, chattels or effects which may be distrained, shall be sold without its being necessary to impound or keep the same: Provided always, That no Writ under the provision hereinbefore contained, shall be issued for assessing or recovering any Rent-charge payable under this Act in respect of any Lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of Forty Days next after any half-yearly day of payment, without the person entitled thereto being able to find goods, chattels or effects, either on the premises or elsewhere, liable to be distrained as aforesaid, sufficient to satisfy the arrears to which such Lands are liable, together with the reasonable costs of such distress.

LXXXV.

Powers of Distress and Entry to extend to all Lands within the Parish, occupied by the Owner, or under the same Landlord or holding.

And be it Enacted, That whenever any Rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any apportionment which may have been made of any such Rent-charge, every part of the Land situate in the parish in which such Rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the Occupier of the Lands on which such Rent-charge so in arrear shall have been charged, whether such Land shall be occupied by the person occupying the same as the Owner thereof or as Tenant thereof, holding under the same Landlord under whom he occupies the Land on which such Rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such Rent-charge, whether chargeable on the Lands on which such distress is taken or such

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and used against any such Quaker for the recovery of any such Rent-charge or any arrears thereof as by any Act in force before the passing of this Act might be had or used for the recovery of Tithes due from any Quaker: Provided nevertheless, That nothing herein contained shall be construed to abridge or take away the right of possession by the Owner of the Rent-charge of the Lands out of which the said Rent-charge issues, according to the provisions of this Act, in case a sufficient distress cannot be made of the goods and chattels of such Quaker, within the said period of Forty Days next after any Half-yearly day of payment, to satisfy the arrears of the said Rent-charge, and all costs and expenses incident to the recovery thereof.

such entry made, or upon any other part of the Lands so occupied or holden : Provided always, That no Land shall be liable to be distrained or entered upon for the purpose of satisfying any such Rent-charge charged upon Lands which shall have been washed away by the sea, or otherwise destroyed by any natural casualty.

And be it Enacted, That the several provisions of an Act passed in the fourth and fifth years of His present Majesty, intituled, " An Act to amend an Act of the eleventh year of King GEORGE the Second, respecting the Apportionment of Rents, Annuities and other periodical Payments," shall extend to all Rent-charges payable under this Act.

LXXXVI.
Apportion-
ment of Rent-
charge, in
cases of death
or removal,
&c.

79 And be it Enacted, That if any barns or buildings belonging to any Tithe Owner, having a limited estate or interest therein, which shall have been generally used for the housing of Tithes paid in kind, shall be rendered in the whole or in part useless, by reason of any Commutation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the consent, nevertheless, of the Commissioners, and subject to such directions as they may give, to be signified under their hands and seal,) to pull down any such barns or buildings, or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings, or homesteads thereunto belonging, in such manner as the Commissioners may direct ; and upon payment of the consideration money, it shall be lawful for every such Tithe Owner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid, to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct, and the consideration money in each case shall be paid to such Tithe Owner, 80 and his receipt shall be a good discharge to the purchaser, and such Tithe Owner shall lay out and invest the consideration money in such manner and for such trusts as the Commissioners shall direct for the benefit of the persons entitled to the said Rent-charge.

LXXXVII.
Provisions for
the sale of
Buildings and
the sites
thereof ren-
dered useless
or unneces-
sary by the
Commutation
of Tithes.

And be it Enacted, That it shall be lawful for the Lessee being in occupation of any Tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the Commissioners shall direct, and confirmed under their seal, to surrender and make void the Lease by which the said Tithes are held or enjoyed by such Lessee at the time of the commutation, so far as the same may relate to the said Tithes ; and it shall be lawful for the Commissioners, by the same instrument, to direct what compensation (if any) shall be given by the immediate Lessor of any Lessee at rack-rent so surrendering any Lease of any such Tithes to such Lessee, and what allowance (if any) shall be made by any Lessee to his

LXXXVIII.
Leases of
Tithes may be
surrendered.

immediate Lessor of any such surrendered Lease, in consideration of 81
the non-fulfilment of any conditions contained in such Lease, and
what deduction (if any) shall be made from the Rent thenceforth
payable by any Lessee to his immediate Lessor in respect of other
hereditaments which may have been included with the said Tithes in
any such Lease: Provided always, That any intermediate Lessor to
whom any such Lease shall have been surrendered shall as regards
his immediate Lessor be taken to be the Lessee in occupation of the
Tithes included in the said Lease.

LXXXIX.

Tithes due
before Com-
mutation, not
to be affected.

And be it Enacted, That nothing in this Act contained shall affect
any right to any Tithes which shall have become due before the
Commutation.

XC.

Act not to
extend to
Easter Offer-
ings, &c. or
to payments
instead of
Tithes in
London, or to
permanent
Rent-charges
by custom or
Act of Par-
liament.

And be it Enacted, That nothing in this Act contained, unless by
special provision to be inserted in some Parochial Agreement, and
specially approved by the Commissioners, in which case the same
shall be valid, shall extend to any Easter Offerings, Mortuaries or
Surplice Fees, or to the Tithes of Fish or of Fishing, or to any Per-
sonal Tithes other than the Tithes of Mills, or any Mineral Tithes,
nor to the Tithe of the Milk or Calves of any Cows, except those main- 82
tained by their Owners on the produce of Land occupied by themselves,
and the Tithe of which has been commuted under this Act, or to any
payment instead of Tithes arising or growing due within the city of
London, or to any permanent Rent-charge or other rent or payment
in lieu of Tithes, calculated according to any rate or proportion in the
pound on the rent or value of any Houses or Lands in any city or
town under any custom or private Act of Parliament, or to any
Lands or Tenements the Tithes whereof shall have been already per-
petually commuted or extinguished under any Act of Parliament here-
tofore made.

XCI.

Advertise-
ments, Con-
tracts and
Awards not to
be liable to
Stamp Duty.

And be it Enacted, That no Advertisement inserted by direction
of the Commissioners or any Assistant Commissioner, or by any
Tithe Owner or Land Owner, in the London Gazette, or in any
newspaper, for the purpose of carrying into effect any provision of
this Act, and no Agreement, Award or Power of Attorney, made
or confirmed or used under this Act, shall be chargeable with any
Stamp Duty.

XCII.

Correspond-
ence of Com-
missioners,
relating to this
Act, to be free
of Postage.

And be it Enacted, That the said Commissioners may receive and
send by the General Post from and to places in England and Wales
all Letters and Packets relating exclusively to the execution of this Act
free from the duty of Postage, provided that such Letters and Packets
as shall be sent to the said Commissioners be directed to the "Tithe 83
Commissioners for England and Wales," at their Office in London,
and

and that all such Letters and Packets as shall be sent by the said Commissioners shall be in covers, with the words "Tithe Commissioners for England and Wales" printed on the same, and be signed on the outside thereof under such words with the name of such person in his own handwriting as the said Commissioners, with the consent of the Lords Commissioners of the Treasury or any Three or more of them shall appoint, (such Name to be from time to time sent to the Secretary of the General Post Office in London), and be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any Three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning
 84 which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any Letter, Paper or Writing, or any Enclosure other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office; one moiety of such penalty shall be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's Courts of Record in Westminster.

And be it Enacted, That if any person, under the provisions of this Act, shall wilfully give false evidence, he shall be deemed guilty of Perjury; and if any person shall make or subscribe a false Affidavit or Declaration for the purposes of this Act, he shall suffer the
 85 penalties of Perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, deed, contract, agreement, account or writing, terrier, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor.

XCIII.
False Evidence to be deemed Perjury; withholding Evidence a Misdemeanor.

And be it Enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire or Surveyor, for anything done under the authority of this Act, until Twenty-one Days' notice thereof shall have been given in writing to the party against whom such Action or Suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after Three calendar Months shall have expired from the commission of the act

XCIV.
Limitation of Actions against Commissioners, Assistant Commissioners, Justices, &c.

for which such Action or Suit shall be so brought; and every such Action shall be brought, laid and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of Action or Suit was brought before Twenty-one Days' notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the time before limited in that behalf, or such Action shall be laid in any county or place other than as aforesaid, then the Jury shall find a verdict for the defendant therein, or the Court, upon summary application by motion in any such Suit may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such Suit shall be dismissed upon application as aforesaid, or if the plaintiff in such Action or Suit shall become nonsuit, or suffer a discontinuance of such Action, or if upon any demurrer in such Action or Suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges and expenses as between attorney and client. 86

XCV.
Proceedings
under this
Act not to be
quashed for
want of form,
nor to be
removed by
Certiorari.

And be it Enacted, That no Order, Adjudication or Proceeding made or had by or before the Commissioners or any Assistant Commissioner under the authority of this Act, or any proceeding to be had touching any Offender against this Act, shall be quashed for want of form, or be removed or removeable by Certiorari, or any other writ or process, into any of His Majesty's Courts of Record at Westminster, or elsewhere. 87

XCVI.
Limits of Act.

And be it Enacted, That this Act shall extend only to England and Wales.

XCVII.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Tithes Commutation:

A

B I L,

[AS AMENDED BY THE LORDS]

INTITLED,

AN ACT for the Commutation of Tithes
in England and Wales.

*Ordered, by The House of Commons, to be Printed,
28 July 1836.*

TITHES COMMUTATION BILL

C L A U S E

Proposed to be added after **CLAUSE 8.**

And be it Enacted, That the Salaries, Allowances and Travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers and Officers as aforesaid, and all other incidental expenses of carrying this Act into execution, not herein otherwise provided for, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, out of the Consolidated Fund.

Such Salaries,
Allowances
and other
Expenses,
how to be
paid.

TITHES COMMUTATION BILL.

CLAU SE

Proposed to be added after Clause 8.

April 1836.

TITHES COMMUTATION BILL.

CLAUSE 33,

AS PROPOSED TO BE AMENDED.

And be it Enacted, That in every case in which the Commissioners shall intend making such Award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of Twenty-one Days after such notice shall have been given, the Commissioners, or some Assistant Commissioner, shall proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing) of the Tithes of all the titheable produce of all Lands subject to Tithe in the said parish, according to the average of Seven years preceding Christmas, in the year One thousand eight hundred and Thirty-five; provided that if during the said period of Seven years, or any part thereof, the said Tithes, or any part thereof, shall have been compounded for, or demised to the occupier of any of the said Lands, in consideration of any rent or payment instead of Tithes, the amount of such composition or rent, or sum agreed to be paid instead of Tithes (including all unremitted arrears thereof), shall be taken as the clear value of the Tithes included in such composition, demise or agreement during the time for which the same shall have been made, and the Commissioners, or Assistant Commissioner, shall award the average value of the said Seven years so ascertained as the sum to be taken for calculating the Rent-charge to be paid as a permanent commutation of the said Tithes; provided also, that in estimating the value of the said Tithes, the Commissioners, or Assistant Commissioner, shall estimate the same as chargeable to all Parliamentary, Parochial, County and other Rates, charges and assessments to which Tithes are liable; and whenever the said Tithes shall have been compounded for on the principle of such Composition being paid free from all such rates, charges and assessments, or any part thereof, the said Commissioners, or Assistant Commissioner, shall have regard to that circumstance, and shall make a fair addition on account thereof.

33.
Value of
Tithes to be
calculated
upon an
average of
Seven Years.

Tithes to be
valued as
chargeable
to Parochial
and County
Rates.

TITHES COMMUTATION BILL.

Clause 38,

AS PROPOSED TO BE AMENDED.

1836.

0.76.

TITHES COMMUTATION.

CLAUSE

Proposed to follow CLAUSE 34.

Provided always, and be it Enacted, That if it shall appear to any Assistant Commissioner by whom the average value of the Tithes shall be so estimated in any Parish that the expenses of collecting, preparing for sale, and marketing the great or small Tithes respectively shall exceed Forty Pounds for every Hundred Pounds of such gross value of the same Tithes taken in kind, or if it shall appear to the said Assistant Commissioner, by reason of any charges imposed by Parliament on any Lands for drainage or embankment, or by reason of any other special circumstances, that the sum of Sixty Pounds for every Hundred Pounds of such gross value of the Tithes, if taken in kind, is more than has been paid as aforesaid, and more than ought to be taken for calculating a permanent commutation of the said Tithes, it shall be lawful for the Assistant Commissioner to make a special Report, setting forth all the material circumstances of the case to the said Commissioners; and it shall be lawful for the Commissioners, upon the receipt of any such Report, if they shall think fit, to direct some Assistant Commissioner to hear all the parties interested in the said Tithes on a day or days to be appointed by the Commissioners, or Assistant Commissioner, for that purpose, and thereupon to make such order concerning the sum to be taken for calculating a permanent Commutation of the said Tithes, as to them shall seem equitable, but so that the same shall not exceed the sum of Sixty Pounds and shall not fall short of the sum of Fifty Pounds for every Hundred Pounds of such gross value of the said Tithes.

For the modification of extreme cases.

TITHES COMMUTATION.

CLAUSE

Proposed to follow Clause 34.

1836.

1878.

TITHES COMMUTATION BILL.

CLAUSES

Proposed to be substituted for Clause 35.

Provided always, and be it Enacted, That in case notice in writing under the hands of any Land Owners or Tithe Owners whose interest in the Lands or Tithes or the Parish shall not be less than One-half of the Lands subject to Tithes, One-half of the great Tithes or One-half of the small Tithes of the Parish shall be given to the Commissioner or Assistant Commissioner acting in that behalf, within One calendar Month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent commutation of the great or small Tithes of the said Parish, the Commissioners shall have power to diminish or increase the sum to be so taken, by a sum amounting to not more than One-fifth part of the average value ascertained as aforesaid : Provided always, That every case which shall appear to the Commissioners to be fraudulent or collusive shall be reserved for separate adjudication as hereinafter provided ; and the Commissioners shall certify and report to one of His Majesty's Principal Secretaries of State, under their hands and seals, before the First day of May, in the year One thousand eight hundred and Thirty-seven, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the Assistant Commissioners as may to them seem expedient ; and every such report shall be laid before Parliament within Six Weeks after the same shall have been received, or after the meeting of Parliament ; and unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners in the exercise of the discretion hereby vested in the Commissioners.

Extreme cases, how to be modified.

And be it Enacted, That the Commissioners shall from time to time report to one of His Majesty's Principal Secretaries of State, under their hands and seals, all the cases which, under the power hereinbefore reserved to them in that behalf, shall have been reserved for separate adjudication, and shall state in every such report the reasons for so reserving every case mentioned therein ; and the Commissioners shall in every such case award the Rent-charge to be paid as a permanent commutation for Tithes, according to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring Parishes, or as near thereunto as the

Special adjudications, how to be made.

circumstances of each case may in their judgment require : Provided always, That a draught of such intended award, with a copy of so much of the said report as is applicable to such award, shall be deposited in the Parish ; and the Commissioners, or an Assistant Commissioner to be specially appointed by the Commissioners for that purpose, shall hear and determine all objections to the award, in the like manner as is herein provided in an ordinary case of award ; and the Commissioners shall have power thereupon to amend the draught of the said award accordingly.

TITHES COMMUTATION BILL.

CLAUSES

Proposed to be substituted for Clause 35.

June 1836.

TITHES COMMUTATION.

C L A U S E

Proposed to follow CLAUSE 35.

And be it Enacted, That the amount which shall be charged by any such apportionment, upon any Hop Grounds or Market Gardens in any district so to be assigned, shall be distinguished into two parts, which shall be called the Ordinary Charge and the Extraordinary Charge, and the Extraordinary Charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the Valuers, or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all Lands whereof the Tithes shall have been commuted under this Act, and which shall cease to be cultivated as Hop Grounds or Market Gardens at any time after such commutation, shall be charged after the *Thirty-first day of December* next following such change of cultivation, only with the ordinary charge upon such Lands, and all Lands in any such district the Tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as Hop Grounds or Market Gardens, at any time after such commutation shall be charged with an additional amount of Rent-charge per imperial acre, equal to the Extraordinary Charge per acre upon Hop Grounds or Market Gardens respectively in that District: Provided always, That no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year of such new cultivation; and an additional Rent-charge, by way of Extraordinary Charge upon Hop Grounds and Market Gardens, newly cultivated as such beyond the limits of every District in which any Extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been distinguished as aforesaid at the time of the Commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any Person interested therein, if such new cultivation shall be during the continuance of the Commission of the said Commissioners, and after the expiration of the Commission, shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner, and subject to the same incidents in all respects as an Extraordinary Charge charged upon any Hop Grounds or Market Gardens at the time of Commutation.

Provision for
the change of
culture of
Hop Grounds
and Market
Gardens.

TITHES COMMUTATION.

CLAUSe

Proposed to follow CLAUSe 35.

1836.

TITHE BILL.

C L A U S E S

TO BE PROPOSED ON THE THIRD READING.

To follow § 37.

And be it Enacted, That in case any of the lands in the Parish shall be coppices, and notice shall be given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf that the Tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the Tithes thereof with a due regard to the value of the coppice wood at the last cutting thereof, and to the average value, estimated according to the best of their judgment, of coppice wood of the same kind cut in the years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, and One thousand eight hundred and thirty-six, in that Parish and the neighbouring Parishes, estimating the same as chargeable to all Parliamentary, Parochial, County and other rates, charges and assessments to which Tithes are liable, and shall add the clear value of the Tithes so estimated to the value of the other Tithes of the Parish, ascertained as aforesaid; and the Commissioners shall, in the Report which they are hereinbefore required to make to one of His Majesty's Principal Secretaries of State before the First day of May in the year One thousand eight hundred and Thirty-seven, lay down rules for the guidance of the Assistant Commissioners in estimating the value of the Tithes of coppice wood, and, unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners.

How the
Tithe of
Wood is to
be valued.

To follow § 61.

And be it Enacted, That all rates and charges to which any such Rent-charge is liable, shall be assessed upon the occupier of the lands out of which such Rent-charge shall issue, and in case the same shall not be sooner paid by the owner of the Rent-charge for the time being, it may be recovered from such occupier in like manner as any Poor-rate assessed on him in respect of such lands; and any occupier holding such lands under any landlord who shall have paid any such rate or charge in respect of any such Rent-charge shall be entitled to deduct the amount thereof from the rent next payable by him to his landlord for the time being, and shall be allowed the same in account with his landlord; and any landlord or owner in possession, who shall have paid any such rate or charge, or from whose rent the amount of any such rate or charge in respect of any such Rent-charge shall have been so deducted, or who shall have allowed the same in account with any tenant paying the same, shall be entitled to deduct the amount thereof

Recovery of
Rates, &c.
charged upon
Rent-charge.

from the Rent-charge, or by all other lawful ways and means to recover the same from the owner of the Rent-charge, his executors and administrators; provided that the owner of every such Rent-charge shall have and be entitled to the like right of demanding, inspecting and taking copies of every assessment containing such rate or charge, and of appeal against the same, and the like power of prosecuting such appeal, and the like remedies in respect thereof as any occupier or rate-payer has or may have in the case of Poor-rates, although such rate or charge is herein made assessable upon the occupier, and the owner of the Rent-charge is not mentioned by name in such assessment.

To follow § 74.

Recovery of
Rent-charge
from Quakers.

And be it Enacted, That where any Quaker liable to pay any such Rent-charge, for which any Tithes shall have been commuted shall refuse to pay the same, the like remedy shall and may be had and used against any such Quaker for the recovery of any such Rent-charge, or any arrears thereof, as by any Act in force before the passing of this Act might be had or used for the recovery of Tithes due from any Quaker: Provided nevertheless, That nothing herein contained shall be construed to abridge or take away the right of possession by the owner of the Rent-charge of the lands, out of which the said Rent-charge issues according to the provisions of this Act, in case a sufficient distress cannot be made of the goods and chattels of such Quaker within the said period of Forty days next after any half-yearly day of payment to satisfy the arrears of the said Rent-charge, and all costs and expenses incident to the recovery thereof.

TITHE BILL.

C L A U S E S

TO BE PROPOSED ON THE THIRD READING.

June 1836.

ANALYSIS

OF THE

BILL FOR THE COMMUTATION OF TITHE IN ENGLAND.

THE BILL provides three methods of Commutation:—

1. By Individual voluntary Agreements.
2. By Parochial Agreements, voluntary in the Majority, but binding on the Minority if unappealed against.
3. By compulsory Awards.

1.—Individual voluntary Agreements.

This part of the Bill enables any individual Tithe-owner to contract with any individual Land-owner for the conversion of Tithe into a Rent-charge.

Several Owners may concur in the same contract, and the guardians of minors and other representatives of persons under legal disability may contract in their names.

The terms of such contracts are left entirely free to the contracting parties, except that the rent-charge is to be estimated in grain, as provided in a later part of the Bill, and is to be liable to all County and Parish Rates as the Tithe was which it supersedes.

Such contracts (in the case of Ecclesiastical Tithe) are to expire with the incumbency of the Tithe-owner, unless confirmed by the Patron and Bishop, or by the Commissioners provided in the Bill, to whom an appeal is to be given from objections raised by the Patron or Bishop against the agreement. If so confirmed, the conversion is to be perpetual.

The Farmer may become a party to the contract, and in that case is to be bound to pay the amount agreed to be paid to the Tithe-owner by the Landlord as an addition to his rent. If the Farmer refuse to join in the contract, his Landlord is to succeed to the rights of the Tithe-owner during his tenancy, either of taking Tithe in kind, or any composition into which he may have entered, as the case may be.

All these voluntary Agreements are to be authenticated by the Commissioners, who are to satisfy themselves that the parties had a right to contract, and the recitals in Agreements so authenticated are to be legal evidence of the facts stated therein.

The Rent-charges are to be recoverable by distress and entry only: any Lands in the Benefice which are occupied by the Owner, or under one Landlord, may be distrained upon to recover arrears due on account of any other Lands occupied by the same Owner, or under the same Landlord; but no distress shall be taken for more than Two Years' Arrears.

The Rent-charges are to be converted into equal values of Wheat, Barley and Oats at the time of the Commutation, on an average of the prices of the Seven previous Years.

The Comptroller of Corn Returns is to publish annually a similar Average of the Seven preceding Years, and the value of the estimated quantities of Grain to be payable every year.

All these provisions of a general nature apply to every Commutation under the Act, whether voluntary or compulsory.

2.—Parochial Agreements, partly voluntary, partly compulsory.

Instead of attempting individual agreements, or simultaneously with them, the Tithe-owners may attempt to procure Parochial Agreements.

With this view, the Owner of at least one-fourth part of the Tithes may call a meeting of Land-owners by public notice and advertisement, and an agreement executed by Three-fourths in point of value of the Tithe-owners and Three-fourths in point of value of the Land-owners or their proxies to be binding on the whole parish, if approved by the Patron and Bishop, or Commissioners, as in the case of individual agreements, and if not appealed from within Three Months. Parochial Agreements, though appealed from, to be still good as to the remainder not appealing. Costs of Appeal to be paid as the Commissioners to whom the appeal lies may direct. In case of unreasonable appeal, the Appellant to pay all the costs. Parochial Agreements to be authenticated by Commissioners, and their recitals to be evidence. Powers are to be given to ecclesiastical persons and others having estates less than the fee-simple to charge their benefice or estate with the costs of Commutation, to be paid off by instalments. The proceedings of the Commissioners on Appeal will be precisely the same as in the case of a compulsory Award, except that they may prepare to adjudicate on Appeal immediately after a parochial meeting, but are not to proceed in an original compulsory Award, until after Six Months after the passing of the Act.

3.—Compulsory Awards (including also similar proceedings on Appeals.)

If Six Months elapse without any individual or parochial agreement, either Land-owner or Tithe-owner may apply to the Commissioners for an Award. The principles on which such Awards are to be made, constitute the distinctive features of the Bill, as it may be expected that they will guide the Parties in their individual and parochial agreements.

The Commissioners are to value the Tithes or Compositions received during the last Seven Years, making a proper deduction for the expenses of collection where they have been taken in kind, and adding the amount of local Rates and Charges, if they have been compounded for, on the principle of the Composition being paid clear of all such charges. The average sum so ascertained to be the money rent that is to be turned into grain as before mentioned, at the average prices of the same Seven Years, one-third in Wheat, one-third in Barley, one-third in Oats. In every case of Awards, public meetings will be held under the authority of the Commissioners, to dispose of objections to them.

If either Party give notice to the Commissioners that this average is an unfair one, they are to value the gross amount of the Tithes, as if they had been taken in kind during the whole period of Seven Years, without making any deduction on account of the expenses of collection or any other; and whenever the sum which has been actually received (with the addition of the local charges, if paid free from them) shall exceed £. 75 per cent. of the gross value so ascertained, the Commutation is to be brought down to that proportion; if it fall short of £. 60 per cent., it is to be raised to it; if it fall between these proportions, it will of course continue unchanged.

Hop-grounds, Orchards and Market-gardens are excepted out of this Clause, and are specially provided for as follows :

With respect to the Hop-grounds, Orchards and Gardens now in cultivation, if notice to that effect is given to the Commissioners, they are to estimate the Commutation according to that which appears to them to have been the average rate of Composition during Seven Years for similar lands in the same district.

The limits of the districts to be fixed in each case by the Commissioners. This appears a large power; but any attempt to define the limits would be mischievous, from the very various character of this sort of cultivation in districts often little separated from each other.

Hop-grounds brought into cultivation after the Commutation, to be charged with Fifteen Shillings an acre above the rent-charge fixed on them in their previous state; but this addition not to be made during the first year, and only half during the second. Hop-grounds going out of cultivation to be charged as other lands of like quality appear to be in the neighbourhood; the amount to be determined prospectively by the Commissioners at the time of the Commutation, if not agreed between the Parties.

A change of cultivation of orchards and gardens offers more difficulty, because of the very variable nature of their cultivation, and consequently the varying periods at which new grounds would come into bearing. No good expedient offers itself on this part of the subject.

The provision for a change of cultivation of Hop-grounds is in fact at variance with the spirit of the Bill, which professes to effect a Commutation on the basis of the present state of Agriculture; but the extraordinary capital laid out in these cultivations is thought to justify the exception. The Hop-growers are alarmed lest they should be saddled with the extra tax on their Hop-grounds after they have ceased to bear Hops; and if relieved from this on the one hand, provision must be made on the other for new plantations.

The only point remaining is the constitution of the Board of Commissioners.

They are to be Three, two appointed by the Secretary of State, one by the Archbishop of Canterbury, and all three removable only at the joint pleasure of the Secretary and Archbishop. They are to be a body corporate, but to be appointed only for Five Years.

They may appoint any number of Assistant Commissioners, not exceeding Nine, without the consent of the Treasury, and may delegate any of their powers to their Assistants, except the acts required to be under their seal, such as confirming and authenticating Agreements and Awards, &c.

The Assistant Commissioners may attend Parochial Meetings if requested (on the plan suggested by Sir Robert Peel last Session), merely to give advice and explain the proper principles of agreement.

When appealed to, or applied to for an original Award, they may hear and determine all disputes between the parties, but either party may appeal from their decision to a Court of Law or Equity on a feigned issue, or case stated, or the parties may agree to refer their difference to other arbitrament.

The Commissioners are to report to the Secretary of State, and to lay an annual Account of their progress before Parliament.

Clauses have been prepared for the redemption of the Rent-charges so created; but as these belong to a distinct branch of the subject, it has been judged better to separate them from the commuting part, and they will be brought forward at such time and in such manner as may appear most advisable.

ANALYSIS
OF THE
BILL FOR COMMUTATION OF TITHES
IN ENGLAND.

February 1836.

11 March 1836.—6 WILL. IV.



A

B I L L

For facilitating the Commutation of Tithes in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS provision has of late years been made by many Acts of Parliament for the Commutation of the Tithes of particular Parishes and Places, and such Commutation of Tithes has been found to be attended with great advantages where the same has been effected; and it is expedient that provision should be made for facilitating the Commutation of Tithes generally throughout England and Wales; **BE** it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** it shall be lawful for His Majesty, His heirs and successors, by Warrant under the Royal Sign Manual, to appoint *Two* fit persons to be Commissioners to carry this Act into execution, and from time to time, at pleasure, to remove the *Two* Commissioners for the time being so appointed, or either of them; and upon every vacancy in the office of any such Commissioners by death, removal or otherwise, to appoint some other fit person or persons to the office; and also for the Lord Archbishop of Canterbury and his successors, by some instrument in writing under his hand and Archiepiscopal Seal, to appoint One fit person to be, with the *Two* persons appointed by His Majesty, a Commissioner to carry this act into execution, and from time to time, at pleasure, to remove the Commissioner for the time being so appointed as last aforesaid, and upon every vacancy in the office of such Commissioner, by death, removal or otherwise, to appoint some other fit person to the office; and the Commissioners

Preamble.

1.
Appointment
of Commis-
sioners for the
Commutation
of Tithes.

92. A missioners

missioners for the time being, so appointed by His Majesty and the Lord Archbishop of Canterbury respectively, shall have the like or equal powers and authorities for carrying this Act into execution; and upon all and every vacancies or vacancy in the number of such Commissioners, and until the same shall be filled up, it shall be law- 5
ful for the surviving or continuing Commissioners or Commissioner to exercise all the powers and authorities hereinafter given to the Board of Commissioners, and otherwise to act as if no such vacancies or vacancy had occurred.

2.
Style of the
Commis-
sioners.

Power of Com-
missioners to
make Orders
and Rules, and
to examine
Witnesses, &c.

And be it Enacted, That the Commissioners so appointed shall be 10
styled "The Commissioners for the Commutation of Tithes in
England and Wales," and shall have their principal office in London
or Westminster, and they or any *Two* of them may sit, from time
to time as they shall deem expedient, as a Board of Commissioners
for carrying this Act into execution; and the Commissioners acting 15
as such Board shall be and are hereby empowered from time to time
to make and issue all such orders, rules and regulations for facilitating
the carrying into effect the several provisions of this Act as they
shall think fit, and at their discretion from time to time to suspend,
alter or rescind such orders, rules and regulations, or any of them; 20
and the Commissioners acting as such Board shall be and are hereby
empowered, by summons under their hands and seal, to require the
attendance of all such persons as they may think fit to call before
them upon any question or matter connected with or relating to the
Commutation of the Tithes of any parish under or by virtue of this 25
Act; and also to make inquiries, and require answers or returns as to
any such question or matter, and also to administer oaths, and
examine all such persons upon oath, and to require and enforce the
production, upon oath, of deeds, books, accounts, terriers, maps,
plans, surveys, papers and writings or copies thereof respectively, 30
relating to any such question or matter; (which word "Oath" here
and elsewhere in this Act shall be construed to extend to and include
the affirmation of a Quaker, Separatist or Moravian;) or in lieu of
requiring such oath as aforesaid, the Commissioners may, if they think
fit, require any such person to make and subscribe a declaration of 35
the truth of the matters respecting which he shall have been or shall
be so examined: Provided always, That nothing herein contained
shall authorize or empower the Commissioners to require from any
person the production of the title, or of any deeds, papers or writings
evidencing the title, of such person to any Tithes, or to any lands or 40
other hereditaments, or the disclosure or discovery of any matter
from the production, disclosure or discovery of which such person
would be protected in a Court of Equity.

And

And be it Enacted, That the Commissioners shall cause to be made a Seal of the Board, and shall cause to be sealed or stamped therewith all orders, rules and regulations made by them in pursuance of this Act; and all such orders, rules and regulations, or copies thereof, purporting to be sealed or stamped with the Seal of the Board, shall be received as evidence of such orders, rules and regulations respectively, without any further proof thereof; and no such order, rule or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

3.
Commissioners to have a Common Seal.

Their Orders, Rules and Regulations to be sealed.

And be it Enacted, That the Commissioners shall and they are hereby empowered from time to time to appoint such persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the Commissioners may direct, and from time to time, at discretion, to remove such Assistant Commissioners or any of them, and on every vacancy in the office of Assistant Commissioner, by death, removal or otherwise, to appoint, if they see fit, some other person to the said office; and also from time to time to appoint a Secretary, and all such Clerks, Messengers and other Officers as they shall deem necessary, to assist in carrying into execution this Act, and from time to time, at discretion, to remove such Secretary, Clerks, Messengers and other Officers, or any of them, and on every vacancy in those offices or any of them by death, removal or otherwise, to appoint, if they see fit, any other person or persons to such offices: Provided always, That the number of such Assistant Commissioners, Secretary, Clerks, Messengers and other Officers shall from time to time be regulated by the Lord High Treasurer or the Lords Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them.

4.
Appointment of Assistant Commissioners, Secretary, Clerks, &c.

Number of Assistant Commissioners to be regulated by the Treasury.

And be it Enacted, That the several Assistant Commissioners under this Act shall have such and the like powers of summoning by writing under their respective hands and seals the attendance of any persons, and of making inquiries and requiring answers and returns, and of administering oaths, and examining upon oath, and requiring and enforcing the production upon oath of deeds, books, accounts, terriers, maps, plans, surveys, papers and writings, or copies thereof, and of requiring the making and subscription of declarations, as is hereinbefore by this Act given to the Board of Commissioners; but so as that nothing herein contained shall authorize any Assistant Commissioner to require from any person the production of the title, or of any deeds, papers or writings evidencing the title of such person to any Tithes, or to any lands or other hereditaments, or the disclosure or discovery of any matter

5.
Assistant Commissioners to have the same powers as the Commissioners of examining Witnesses, &c.

from the production, disclosure or discovery of which such person would be protected in a Court of Equity.

6.

Commissioners and Assistant Commissioners not to sit in Parliament.

And be it Enacted, That no Commissioner or Assistant Commissioner under this Act shall, during his continuance in such office, be capable of being elected or of sitting as a Member of the House of Commons. 5

7.

Duration of the Commission.

And be it Enacted, That no Commissioner, Assistant Commissioner, Secretary, Clerk, Messenger, or other Officer under this Act shall continue to hold his office or exercise any of the powers given by this Act for a longer period than *Five Years* next after the day of the *passing of this Act*, and thenceforth until the end of the then next Session of Parliament, except as regards such agreements for the Commutation of Tithes and the proceedings thereon as shall be then in progress; and after the expiration of the said period of *Five Years*, and of the then next Session of Parliament, so much of this Act as enables His Majesty or the Lord Archbishop of Canterbury to appoint or continue the appointment of any Commissioner, and as authorizes the appointment or continuance of the appointment of any Assistant Commissioner, Secretary, Clerk, Messenger, or other officer, shall cease to operate (except as aforesaid); but nothing herein contained shall be construed to prevent or hinder the Commissioners, Assistant Commissioners and other Officers, or such or so many of them as may be requisite, to continue to act as regards the Agreements for the Commutation of Tithes, and the proceedings thereon, in progress at the expiration of the said period of *Five Years* and of the then next Session of Parliament, until the same shall be perfected. 10 15 20 25

8.

Oath of Commissioners and Assistant Commissioners.

And be it Enacted, That every Commissioner and Assistant Commissioner to be appointed from time to time as aforesaid shall, before he shall enter upon the execution of his office, take the following Oath; (that is to say) 30

“ I, A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and duties of a Commissioner [or, Assistant Commissioner] under an Act passed in the year of the reign of King WILLIAM the Fourth, intituled, “ An Act for facilitating the Commutation of Tithes in England and Wales.” 35

Which Oath shall be taken by the Commissioners before *One* of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or *One* of the Barons of His Majesty's Court of Exchequer at Westminster, and shall be taken by the Assistant Commissioners either 40

either before *One* of the said Judges or Barons, or before His Majesty's Justices of the Peace assembled at the Court of Quarter or General Sessions of the Peace holden for the county, riding or division, within which such Assistant Commissioners respectively shall
 5 dwell; and the appointment of every such Commissioner and Assistant Commissioner, together with the time when, and the Judge or Baron before whom, or Court of Quarter or General Sessions before which, he shall have taken the Oath aforesaid, shall be forthwith published in the London Gazette; and an entry or minute of such
 10 appointment, and of the taking of such Oath, shall be made in the Books of the Commissioners.

And be it Enacted, That if any person, upon any examination under the authority of this Act, shall wilfully and corruptly give give false evidence, he shall be deemed guilty of perjury; and if any
 15 person shall wilfully and corruptly make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any summons of the Commissioners or of any Assistant Commissioner (such person, in case of his being required to travel
 20 uore than *Ten* Miles from his place of abode, having had his reasonable expenses first tendered to him), or if any person shall wilfully refuse to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any deeds, books, accounts, terriers, maps, plans, surveys, papers, or writings, or copies of the same,
 25 which may be required to be produced before the Commissioners or Assistant Commissioners by virtue of this Act, every person so offending shall be deemed guilty of a *Misdemeanor*.

And be it Enacted, That it shall be lawful for the Commissioners and Assistant Commissioners respectively, in all or any cases where
 30 they shall see fit, to employ any person (not interested in, and not being the steward or agent of any owner of the Tithes or Lands which such person shall be employed to survey or value) as surveyor or valuer, to survey or value, for any of the purposes of this Act, all or any of the Tithes and Lands in any parish in which a
 35 Commutation of Tithes shall be proposed or intended to be effected by virtue of this Act, and to make such maps or plans of all or any of such lands as the Commissioners or Assistant Commissioners respectively may direct for the purpose of carrying into execution the provisions of this Act.

And be it Enacted, That the Commissioners and Assistant Commissioners, and such surveyors or valuers as aforesaid, and every
 40 person employed as clerk, servant or agent to the Commissioners, Assistant Commissioners, surveyors or valuers, shall and may, for

10.

Persons giving false Evidence to be guilty of Perjury.

Persons subscribing a false Declaration to suffer the Penalties of Perjury.

Punishment for refusing to give Evidence or produce Deeds, &c.

11.

Commissioners and Assistant Commissioners may employ Surveyors and Valuers.

12.

Power to enter upon Lands.

the purpose of carrying into effect the objects and provisions of this Act, enter into and upon all or any lands whatsoever, without being subject to any action, suit or molestation whatsoever.

12.

Salaries of and Allowances to Commissioners, Assistant Commissioners, Secretary and other Officers.

And be it Enacted, That the salaries of the Commissioners, the fees and allowance to the Assistant Commissioners, and the salaries of the Secretary, Clerks, Messengers and other officers to be appointed by virtue of this Act, shall be from time to time fixed and regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any *Three* of them: Provided always, That the salary of a Commissioner shall not exceed the sum of Pounds a year, nor the fees or allowance to an Assistant Commissioner the sum of Pounds a day for every day that he shall be actually employed or travelling in the performance of the duties of his office, nor the salary of the Secretary the sum of Pounds a-year, nor the salaries of the Clerks, Messengers and other officers in proportion: Provided always, That the said Lord Treasurer or the Commissioners of His Majesty's Treasury, or any *Three* of them, may allow to any Commissioner, and the Commissioners may allow to any Assistant Commissioner, Secretary, Clerk, Messenger, or other inferior officer, any such reasonable travelling and other expenses as may have been necessarily incurred by him in the performance of his duties under this Act, in addition to his salary as Commissioner, Secretary, Clerk, Messenger or other inferior officer, or to his fees or allowance as Assistant Commissioner as aforesaid.

13.

Such Salaries, Allowances and Expenses how to be paid.

And be it Enacted, That the annual salaries of the Commissioners and their travelling expenses and allowances, and the fees and allowances to the Assistant Commissioners, and their travelling and other expenses, and the salaries and allowances of the Secretary, Clerks, Messengers and such other inferior Officers as aforesaid, and generally all costs and expenses attending the establishing and conducting of the principal office of the Commissioners, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, and he and they is and are hereby authorized and directed to pay the same out of the Fund.

14.

In what places a commutation of Tithes may take place; Parish, Chapelry, Township, Vill, Hamlet, District determined by a portion of Tithes, extra-parochial places, Districts, Places and lands directed by the Commis-

And be it Enacted, That in the construction and for the purposes of this Act the term "Parish" shall mean and extend to and include any parish, chapelry, township, vill, hamlet, district determined by a portion of Tithes, known extra-parochial district or place and any such other district, division or place, or any such quantity of land within any parish, chapelry, township, vill, hamlet, district determined by a portion of Tithes, or known extra-parochial district or place, as the Commissioners shall, by any order for that purpose under their common seal, direct to be considered a separate and distinct

distinct district, division or place, for the purpose of effecting a Commutation of Tithes therein under the provisions of this Act, and a Commutation of Tithes may be effected and take place under the provisions of this Act in any such chapelry, township, vill, hamlet, district, division or place, or in any such quantity of land as aforesaid, as well as in any parish.

sioners to be considered Districts for the Commutation of Tithes.

And be it also Enacted, That in the construction of and for the purposes of this Act, the word "Lands" shall mean and extend to and include all houses, buildings, mills, mines, fisheries and other hereditaments, from or in respect of which any Tithes or Dues, or payments in the nature thereof, shall or may arise, and that the term "Tithes" shall mean and extend to and include all Tithes and Tenths of whatsoever nature and description, whether great or small, predial, personal or mixed, and all oblations and obventions, and dues and payments in the nature thereof.

15.
Interpretation of Words.
Lands,
Houses, Mills,
Mines, Fisheries.

Tithes, great and small, predial, personal and mixed.

And be it also Enacted, That in the construction of this Act, the word "Person" shall mean and extend to and include The King's Majesty, and any body politic or corporate, aggregate or sole, ecclesiastical, lay or mixed, or eleemosynary, and also any number of trustees or feoffees to charitable or other uses, as well as any individual; and whenever in this Act in describing any person or party, matter or thing, any word importing the singular number only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and several matters or things as well as one matter or thing respectively, and the converse; and when any word importing the masculine gender only is used, the same shall be understood to include and shall be applied to a female as well as a male; unless there be something in the subject or context repugnant to such construction.

16.
Person, &c.

And be it also Enacted, That in the construction and for the purposes of this Act the terms "Tithe Owner," or "Tithe Owners," or "Owner of Tithes" or "Owners of Tithes," shall mean and extend to and include all incumbents of parishes, whether rectors, vicars or curates, The King's Majesty, and all archbishops and bishops, and all deans and chapters, and masters and fellows of colleges, and all other bodies politic, corporate or collegiate, aggregate or sole, ecclesiastical, lay or mixed, or eleemosynary, and also any number of trustees or feoffees to or for any charitable or other uses or purposes, and all and every other persons or person who shall be in the actual possession or receipt of the rents and profits of any tithes (other than and except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on the granting or making of which a rent of two third parts or more of the clear yearly

17.
Who shall be deemed Tithe Owners within the meaning of this Act.

value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded *Fourteen Years* from the commencement thereof, and except also any person in the possession or receipt of the rents and profits of any tithes under any Sequestration, extent, elegit, or other writ of execution,) and that without regard to the real title of such bodies politic or body politic, persons or person. 5

18.

Who shall be deemed Owners of land within the meaning of this Act.

And be it also Enacted, That in the construction and for the purposes of this Act the terms "Land Owner" or "Land Owners," or "Owner of Lands" or "Owners of Lands," shall mean and extend to and include The King's Majesty, and all bodies politic, corporate, or collegiate, aggregate or sole, ecclesiastical, lay or mixed, or eleemosynary, and also any number of trustees or feoffees to or for any charitable or other uses or purposes, and all and every other persons and person who shall be in the actual possession or receipt of the rents and profits of any lands, whether of freehold, copyhold or customary, or leasehold tenure, (other than and except a tenant for life or lives or for years holding under a lease or agreement for a lease on the granting of which a rent of two third parts or more of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded *Fourteen Years* from the commencement thereof, and except a person in the possession or receipt of the rents and profits of any lands under any extent, elegit, fieri facias, or other writ of execution,) and that without regard to the real title of such bodies politic or body politic, persons or person. 10 15 20 25

19.

In what cases Lessors and Lessees shall be deemed to be together Tithe Owners or Land Owners.

Provided always, and be it Enacted, That when any Tithes or Lands shall, either with or without any other hereditaments, have been leased or agreed to be leased to any person, for life or lives, or for years, by any lease or agreement for a lease on or under which a rent less in amount than two third parts of the clear yearly value of the premises comprised in such lease or agreement at the time of the granting or making thereof shall have been reserved, and of which the term shall have exceeded *Fourteen Years* from the commencement thereof, and such person shall by virtue of such lease or agreement be in the possession or receipt of the rents and profits of such Tithes or Lands, such person shall, jointly and together with the body politic or person who shall for the time being be in the actual receipt of the rent reserved upon or under such lease or agreement for a lease, be deemed for the purposes of this Act to be the owner of such Tithes or Tithe Owner, or the owner of such lands or Land Owner. 30 35 40

And

And be it also Enacted, That in estimating the two-third parts in value of the Owners of Lands subject to the payment of any Tithes proposed to be commuted under the provisions of this Act, or whenever else any part or proportion in value of the Owners of
5 Lands shall be to be estimated under the provisions of this Act, such value shall be estimated according to the sum at which such Lands shall be rated to the relief of the poor in parishes and places in which there shall be such a rate, and in parishes or places in which there shall be no such rate, then such value shall
10 be estimated according to the rules and in the manner by and in which property of the same kind is by law rateable to the relief of the poor.

20.
Value of
Lands, how to
be estimated
for the pur-
poses of the
Act.

And be it also Enacted, That all acts, matters and things which by this Act are authorized or directed to be done, executed or
15 performed to, by or with relation to any body politic or person, shall and may be lawfully and effectually done, executed and performed to, by or with relation to the agent of such body politic or person, as well where the same is as where the same is not
20 herein expressed, unless there be something in the subject or context repugnant to such construction, and that as well to, by or with relation to the agent of any such body politic or person specially authorized in that behalf, as to, by or with relation to the known general agent of such body politic or person.

21.
Acts may be
done by
Agents.

And be it Enacted, That sealing by any aggregate body corporate shall for the purposes of this Act, as regards such body
25 corporate, be considered equivalent to signing in all cases in which the signature of any person is hereby required.

22.
Sealing by
Bodies Corpo-
rate to be
equivalent to
signing.

And be it also Enacted, That in the construction and for the purposes of this Act the word "Church" shall mean and extend
30 to and include a chapel as well as a church; and the term "Church-wardens" shall mean and extend to and include chapelwardens as well as churchwardens; and in cases in which there shall be more than one church or chapel in any parish or place in which a Commutation of Tithes shall be proposed to be effected under the
35 provisions of this Act, all matters and things by this Act directed to be done with regard to the affixing of notices to the principal door of the church, and giving public notice in or otherwise with relation to the church of any parish in which there is but one church, shall be done with regard to the affixing of notices to the
40 principal door of, and giving public notices in or otherwise with relation to each of such churches or chapels; and in cases in which there shall be no church or chapel in any parish or place in which a Commutation of Tithes shall be proposed to be effected under

23.
Meaning of
the terms
"Church,"
and "Church-
wardens" in
this Act, &c.

Where there
are more
Churches than
one in any
Parish.

Where there
is no Church
or Chapel in
any Parish.

the provisions of this Act, all and every such matters and things may be lawfully and effectually done by the affixing of such notices to the principal door of, or giving such public notice in or otherwise with relation to the church of any next adjoining parish.

24.
How Notices
of original
Meetings
called by
the Commis-
sioners and
Assistant
Commis-
sioners are to
be given.

And be it Enacted, That notice of every original meeting appointed by the Commissioners or any Assistant Commissioner to be held for any of the purposes of this Act, shall be given in manner following; (that is to say) the Commissioners or Assistant Commissioner shall, the prescribed number of days before the day appointed for holding such meeting, cause notice of the same to be inserted in the London Gazette, and also in some provincial newspaper (if any there be) circulated in the neighbourhood of the parish in or for which such meeting is to be held; and a duplicate of such notice shall be sent by the Commissioners or Assistant Commissioner at the same time to the churchwardens of such parish, who shall and they are hereby required, immediately after the receipt of such duplicate notice, to cause a copy thereof to be affixed to the principal door of the church of such parish, and also to cause public notice of the meeting to be given in such church on the *Two* Sundays next after the receipt of such duplicate notice, immediately after divine service; and in all cases in which the Commissioners or Assistant Commissioners respectively are required by this Act to give or cause to be given notice of any order, act, matter or thing made, done, executed or performed by them respectively, such notice shall be given, *mutatis mutandis*, in the same manner as notices are by this enactment directed to be given of original meetings appointed to be held for any of the purposes of this Act.

Notices of
acts and mat-
ters done by
the Commis-
sioners and
Assistant
Commis-
sioners.

25.
Provisions for
the Adjourn-
ment of
Meetings;

And be it Enacted, That the Commissioners or any Assistant Commissioner who, by this Act, is authorized or required to appoint any original meeting to be held for or in relation to any of the purposes of this Act, or the Commissioners or any Assistant Commissioner who shall attend at any such original meeting, shall have full power and authority, in all cases in which, and as often as they or he shall deem it expedient, to adjourn such meeting from time to time, to such other day or days and place or places as to them or him shall seem fit; and every act, matter and thing transacted, done or performed at any such adjourned meeting shall be as valid and effectual in all respects, as if the same had been transacted, done or performed at the original meeting; and it shall be lawful for the Commissioners or Assistant Commissioner respectively, in case they or he shall deem it expedient, but not otherwise, to give or cause to be given such notice or notices of the holding of any adjourned meeting as they or he shall think fit; and in case, by any omission or neglect to adjourn any meeting held under the provisions

and for the
calling of re-
newed Meet-
ings.

of

of this Act, or from any other cause, it shall become necessary or desirable to call any renewed meeting for the transaction of any business begun or intended to have been transacted at the original meeting, it shall be lawful for the Commissioners or Assistant Commissioner (as the case may be) from time to time to call any such renewed meeting; and the like notice shall be given of every such renewed meeting as is by this Act required to be given with respect to the original meeting held for the transaction of such business.

And be it Enacted, That in any cases in which by this Act public notice is directed to be given of any meetings, acts, proceedings, matters or things, the Commissioners and Assistant Commissioner respectively may and they and he are and is hereby authorized to give or cause to be given, in such manner as they or he may think fit, any special notice thereof to any person or persons whom the Commissioners or Assistant Commissioner may deem to be specially or particularly interested in any such act, proceeding, matter or thing, or in any act, matter or thing in relation to which any such meeting may be appointed to be held, or to whom, for any cause or reason, the Commissioners or Assistant Commissioner may deem it advisable or proper that any such special notice should be given.

26.
Commissioners and Assistant Commissioner authorized to give special Notices to persons interested, in cases in which they deem it proper.

And be it Enacted, That in all cases in which any special notice is by this Act authorized, directed or required to be given to any Owner of Tithes or Owner of Lands, or other person, respecting or with relation to such Tithes or Lands, or any dispute, difference, claim, matter or thing concerning the same, or otherwise arising in the execution of this Act, such notice may be lawfully and effectually given by a letter addressed and sent by the General Post to such owner or other person, or to his agent, at his residence mentioned in the memorandum of agreement for the Commutation of such Tithes under this Act, or at the last known residence of such owner or other person, or of his agent, or in case such residence of such owner or other person shall not be in any part of England or Wales, and such owner or other person shall have no agent, then by a notice in writing given to or left at the dwelling house of the actual tenant in possession of such Tithes or Lands, for such owner or other person.

27.
How special Notices to Owners of Tithes or Lands and other persons may be given.

And be it Enacted, That as soon as conveniently may be after the passing of this Act and the appointment of the Commissioners, Assistant Commissioners and other officers under the same, the Commissioners shall, from time to time and in such order as to them shall seem most convenient, and they are hereby required to give orders and directions for meetings to be held of the Owners of Tithes and of the Owners of Lands in every parish throughout England and Wales in which Tithes are payable, for the purpose of

28.
The Commissioners shall cause Meetings of Tithe Owners and Land Owners in every Parish to be held for entering into Agreements for the Commutation of Tithes;

considering of the propriety of effecting a Commutation of the Tithes of such parishes under the provisions of this Act; and the Commissioners shall appoint a day and place in or in the neighbourhood of the parish for which every such meeting shall be appointed to be held, for holding the same, and shall give or cause to be given notice of every such meeting *Twenty-eight* Days at least before the day appointed for holding the same, and shall direct an Assistant Commissioner to attend every such meeting for the purpose of assisting in the adjustment of a proper agreement for the Commutation of the Tithes of such parish.

and shall give
28 Days
notice of every
such Meeting,
and shall ap-
point an Assist-
ant Commis-
sioner to at-
tend at every
such Meeting.

29.
Tithe Owners
and Land
Owners, or
Two-third
Parts in value of Land
Owners, pre-
sent at such
meetings, may
enter into and
sign Agree-
ments for the
Commutation
of Tithes.

And be it Enacted, That in case the owner or owners of all or any of the Tithes arising in such parish, and the owners of lands subject to the payment of such Tithes, or *Two-third* parts in value of such Land Owners, or the respective agents of such Tithe Owner or Tithe Owners and Land Owners, shall at such meeting come to an agreement for the Commutation of the Tithes arising in such parish belonging to such Tithe Owner or Tithe Owners for a rent or rents to be assessed and applotted upon the Lands of such Land Owners subject to the payment of such Tithes (such rent or rents to be free from the payment of poor's rate, highway rate, and all other parochial or county rates, charges, taxes, assessments or impositions), a memorandum of such agreement shall thereupon be reduced into writing, and shall be signed by such Tithe Owner or Tithe Owners and Land Owners, or their agents respectively agreeing to such Commutation: Provided always, That in case any Owner or Owners of Tithes arising in such parish, or any of the Owners of Lands within the same subject to the payment of such Tithes, or their respective agents, shall not be present at such meeting, or, being present, shall refuse or decline to enter into an agreement for the Commutation of such Tithes, so that the assent of such Tithe Owner or Tithe Owners and of such Land Owners, or *Two-third* parts in value of such Land Owners, to such an agreement, cannot be obtained at such meeting, but some such Tithe Owner or Tithe Owners and Land Owners, or their respective agents present at such meeting, shall be willing to enter into such an agreement, then and in every such case it shall be lawful for such Tithe Owner or Tithe Owners or Land Owners, or their respective agents present at such meeting, and assenting thereto to enter into such an agreement, and a memorandum of such agreement shall thereupon be reduced into writing, and shall be signed by the persons present and willing to enter into the same; and such memorandum of agreement may be afterwards signed by any Tithe Owner or Tithe Owners, or Owners of Land, or their respective agents, who were or was not present at such meeting, or who refused or declined to enter into such agreement at such meeting; and such memorandum of agreement,

Tithe Owners
or Land
Owners not
present at the
Meetings, or
refusing to
sign at the
Meetings, may
sign after-
wards.

agreement, when signed by the owner or owners of all or any of the Tithes arising in the said parish and by the owners of Lands within the same, subject to the payment of such Tithes, or *Two-third* parts in value of such Land Owners, or by their agents respectively, shall be as valid and effectual to all intents and purposes as if the same had been so signed by all such Tithe Owner or Tithe Owners and Land Owners, or their respective agents, at any meeting held pursuantly to the provisions hereinbefore contained.

And be it Enacted, That in case the owner or owners of all or any of the Tithes arising in any parish, and the owners of Lands within the same, subject to the payment of such Tithes, or *Two-third* parts in value of such Land Owners or their respective agents, shall at any time enter into an agreement for the Commutation of the Tithes of such parish or any of them, under the provisions of this Act, without the previous intervention of the Commissioners, and a memorandum of such agreement shall be reduced into writing and signed by such Tithe Owner or Tithe Owners, and by such Land Owners, or *Two-third* parts in value of such Land Owners, or by their respective agents, such last-mentioned memorandum of agreement shall be as valid and effectual to all intents and purposes as if the same had been so signed at a meeting called by the Commissioners pursuantly to the provisions hereinbefore contained.

30.
Tithe Owners and Land Owners may enter into and sign Agreements, without the previous intervention of the Commissioners.

Provided always, and be it Enacted, That in all cases in which there shall be a plurality of separate and distinct Owners of Tithes arising in any parish, all or any of such Tithe Owners may join in the same agreement with the Owners of Lands in such parish subject to the payment of Tithes to the Tithe Owners who shall be parties to the agreement respectively, for the Commutation (under the provisions of this Act) of the Tithes payable to such Tithe Owners respectively; or all or any such Tithe Owners respectively may enter into separate agreements with the Owners of Lands in such parish subject to the payment of Tithes to such Tithe Owners respectively, for the Commutation of the Tithes payable to such Tithe Owners respectively: Provided always, That in cases in which the separate and distinct Owners of Tithes in any parish shall join in the same agreement for the Commutation of such Tithes with the Owners of Lands in such parish subject to the payment of such Tithes, either *One* annual sum may be agreed to be paid as a Commutation Rent for all such Tithes, and a proportionate part of such annual sum may be agreed to be paid to each of such Tithe Owners, or a separate annual sum may be agreed to be paid to each of such Tithe Owners, as a Commutation Rent for the Tithes payable to each of such Tithe Owners respectively, as the parties to the agreement

31.
Separate and distinct Tithe Owners in any Parish may join in the same Agreement;

or may enter into separate Agreements with the Land Owners.

Where separate and distinct Tithe Owners join in the Agreement, One Commutation Rent may be agreed to be paid, and a proportionate part of such Rent be agreed to be paid to each Tithe Owner; or a separate Commutation Rent may be

agreed to be
paid to each.

ment may deem most convenient and best adapted to the circumstances of the case.

32.

Where separate Tithe Owners join in the same Agreement, Two-third Parts in value of the Owners of the Lands subject to the payment of Tithes to each of such Tithe Owners must sign the Memorandum of Agreement.

Provided also, and be it Enacted, That where separate and distinct Owners of Tithes in any parish shall join in the same agreement for the Commutation of such Tithes with the Owners of 5
Lands in such parish liable to the payment of such Tithes, and all such lands shall not be subject to the payment of Tithes to each of such Tithe Owners, then and in every such case it shall be necessary to the validity of the memorandum of agreement for the Commutation, that the same shall be signed by *Two-third* parts in 10
value of the Owners of the several lands in the parish subject to the payment of Tithes to each of such Tithe Owners respectively, or by their respective agents.

33.

The Agreement shall comprise the Tithes of all the titheable matters the Tithes of which belong to the Tithe Owners Parties to it.

Provided also, and be it Enacted, That in all cases of Commutation of Tithes under the provisions of this Act, the agreement for 15
the Commutation shall comprise the Tithes of all the titheable matters and things the Tithes whereof shall belong to the Tithe Owner or Tithe Owners, party or parties to such Agreement within the parish to which the agreement relates.

34.

In what Form an Agreement for the Commutation of Tithes shall be, and what matters it shall contain.

And be it Enacted, That in every such memorandum of agree- 20
ment as aforesaid there shall be expressed, as far as the circumstances of each particular case will allow, and with as much certainty as reasonably may be, the several matters and things hereinafter mentioned; (that is to say) the day of the making thereof, and the names, residences and descriptions of the several parties thereto, 25
and of their respective agents signing the same on their behalves, and the right in which they are respectively parties thereto, and the name of the parish to which the same relates, and the county or counties in which such parish is situate; and therein also shall be expressed in words and figures, or by reference to a map or plan 30
accompanying the same, or to a Schedule thereto, the quantity and contents in statute measure of the several lands within such parish, with the names of the owners and occupiers of such lands respectively; and therein also shall be expressed the Tithes which are intended to be commuted by such agreement, and who is or are 35
the Owner or Owners of such Tithes, and which of the Lands within such parish are subject to the payment of such Tithes to such Tithe Owner or Tithe Owners; and in case there shall be separate and distinct Owners of Tithes parties to any such memorandum of agreement, then also there shall be expressed therein which of the Tithes 40
intended to be commuted are payable to each of such Tithe Owners respectively, and also the lands which are subject to the payment
of

349

of such Tithes to each of such Tithe Owners; and therein also shall be expressed the annual sum or annual sums which shall be agreed to be paid to the Owner or Owners or to the respective Owners of the Tithes so intended to be commuted, as a Commutation Rent for such Tithes; and also in cases in which there shall be separate and distinct Owners of Tithes, parties to any such agreement, and One annual sum shall be agreed to be paid as a Commutation Rent for all the Tithes intended to be commuted by such agreement, there shall be expressed in such memorandum of agreement the proportionate part of such annual sum which shall be agreed to be paid to each of such Tithe Owners; and in cases in which a separate annual sum shall be agreed to be paid to each such separate and distinct Tithe Owner, as a Commutation Rent for the Tithes payable to such Tithe Owner, each such annual sum shall be payable from and out of the lands only which were subject to the payment of the Tithes for and in respect of which such annual sum shall be agreed to be paid.

And be it Enacted, That the parties to any such memorandum of agreement shall also express therein which of the lands within the parish (if any) are exempt from the payment of the Tithes intended to be commuted by such agreement, or certain of them, or are not subject or liable to the payment of such Tithes, or certain of them, to any of the Tithe Owners parties to the agreement, and to what Tithes such exemption or non-liability extends, and also which of such lands (if any) pay Compositions Real or Moduses in lieu and satisfaction of such Tithes, or certain of them, to any Tithe Owner or Tithe Owners party or parties to the agreement, and what such Compositions Real or Moduses are, and the Tithes covered thereby, and which of such Compositions Real or Moduses (if any) are in their nature of a variable value, and which (if any) are not of a variable value, and also what Compositions Real or Moduses (if any) are payable to any such Tithe Owner or Tithe Owners in lieu and satisfaction of the Tithes intended to be commuted by such agreement, or certain of them, generally throughout the parish or any parts or part thereof, and what such last-mentioned Compositions Real or Moduses are; and in lieu and satisfaction of what Tithes the same are respectively payable, and which of such last-mentioned Compositions Real or Moduses (if any) are in their nature of a variable value, and which (if any) are not of a variable value, and also which of the lands within the parish (if any) by reason of their having heretofore been parcel of the possessions of any of the religious houses of the orders usually denominated the privileged orders, and the owners of which are entitled to the privilege, or by reason of their being glebe lands are exempt from the payment of Tithes whilst in the proper manurance or occupation of

35.
Matters which the Agreement shall contain, relating to Exemptions from the payment of Tithes, or Non-liabilities to the payment of Tithes. Compositions Real and Moduses.

Compositions
Real and Mo-
duses of a
variable value
to be included
in and covered
by the Com-
mutation
Rent.

such Owners, or in the occupation of certain ecclesiastical or other
bodies politic or persons, or such and so many of such particulars as
the parties to the agreement shall deem necessary or expedient to
be expressed therein : Provided always, That the annual sum agreed
to be paid to any Tithe Owner as a Commutation Rent for the 5
Tithes payable to him shall include and cover all such Compositions
Real and Moduses payable to him as aforesaid, as are in their nature
of a variable value; but such Compositions Real or Moduses pay-
able to such Tithe Owner as aforesaid, as are fixed money payments,
or in their nature not of a variable value, shall not be included in 10
or covered by the annual sum agreed to be paid to him as a Com-
mutation Tithe Rent, unless the parties to the agreement deem it
expedient that such last-mentioned Compositions Real or Moduses
shall be included in such annual sum, and shall express the same in
the memorandum of agreement. 15

36.

Disputes as to
Exemptions
from the pay-
ment of Tithes,
Non-liabilities
to the pay-
ment of
Tithes, Com-
positions Real
and Moduses,
may be com-
promised.

And be it Enacted, That in case any disputes or differences shall
exist between the Tithe Owner or Tithe Owners and Land Owners,
parties to such agreement, or any such Tithe Owner or Tithe
Owners and Land Owners, whether or not certain of the lands
within the parish to which such agreement shall relate are exempt 20
from the payment of the Tithes intended to be commuted by such
agreement, or certain of them, or are not subject or liable to the
payment of such Tithes, or certain of them, to the Tithe Owner or
Tithe Owners who shall be a party or parties to such agreement, or
to any of them, or whether or not certain of such lands pay Com- 25
positions Real or Moduses in lieu and satisfaction of and for such
Tithes or certain of them to any such Tithe Owner or Tithe Owners;
or whether or not certain Compositions Real or Moduses are pay-
able to any such Tithe Owner or Tithe Owners in lieu and satisfac-
tion of and for the Tithes intended to be commuted by such agree- 30
ment, or certain of them, generally throughout the parish or any
parts or part thereof; or whether or not certain lands within the
parish, for the reasons stated in the last-preceding Enactment, are
exempt from the payment of Tithes whilst in the proper manurance
or occupation of the Owners thereof, or in the occupation of cer- 35
tain ecclesiastical or other bodies politic or persons; or in case any
disputes or differences shall exist between or amongst all or any of the
Tithe Owners parties to any such agreement as to their respective
titles to any of the Tithes intended to be commuted thereby; then
and in every such case it shall be lawful for the parties to such 40
agreement if they see fit to compromise and compound every or
any such dispute or difference; and in every such case of com-
promise or composition the terms of the compromise or composition
shall be inserted in the memorandum of agreement; or the parties
to such agreement may, in case any such disputes or differences shall
not

Disputes be-
tween Tithe
Owners, par-
ties to the
Agreement,
may be com-
promised;

not be compromised or compounded, agree and express in the memorandum of agreement what alterations shall be made in the annual sum or annual sums, or any part or parts thereof, agreed to be paid as Commutation Rent for the Tithes intended to be commuted by such agreement, or with regard to the Tithe Owner or Tithe Owners respectively to whom the same shall be payable, or in any other of the terms of the agreement which shall or may be affected by the determination or decision of such disputes and differences respectively under the provisions hereinafter contained, according as such determination or decision shall or may be: Provided always, That no such compromise or composition or agreement as last aforesaid, where the dispute or difference relates to the Tithes of particular lands only, shall be inserted in any such memorandum of agreement, unless the same shall be signed by the owner or owners of such lands, or by the agent or agents of such owner or owners respectively.

or the parties may agree upon the alterations to be made in the Commutation Tithe Rent according to the determination of the disputes.

And be it Enacted, That the parties to any such memorandum of agreement as aforesaid may, if they think it necessary or expedient, express therein upon what principle or in what manner, as regards the different natures and qualities and culture of the lands to which the agreement relates, and other like incidents, the annual sum or annual sums thereby agreed to be paid as Commutation Rent for the Tithes thereby intended to be commuted shall be afterwards assessed and apportioned upon and amongst such several and respective lands; and there may also be expressed in any such memorandum of agreement any other such reasonable matters and things, in accordance with the provisions of this Act, as the parties shall deem to be necessary or expedient for explaining and giving effect to the contract between them.

37.

The Agreement may express how the Commutation Rent shall be assessed and apportioned with reference to the different nature, quality, and culture of the Lands to which it relates.

And be it Enacted, That any Tithe Owner or Tithe Owners and Land Owner or Land Owners, parties to any such memorandum of agreement, may, if they think fit, agree upon the annual sum or sums to be charged upon any lands of such Land Owner or Land Owners respectively as Commutation Rent for the Tithes of such lands payable to such Tithe Owner or Tithe Owners; and every such special agreement, and all the particulars thereof, shall be expressed in the general memorandum of agreement for the Commutation of the Tithes of the parish.

38.

Tithe Owners and Land Owners may agree upon Tithe Rents for particular Lands.

And be it Enacted, That in all cases in which any Tithes proposed to be commuted under the provisions of this Act shall belong or be payable to any Archbishop or Bishop, or to any Archdeacon, Dean, or Prebendary, or to any Rector, Vicar, Curate, or other Incumbent of any Ecclesiastical Benefice, or to any other sole eccle-

39.

Consent of Patrons and others to be given to the Commutation.

siastical body politic, no memorandum of agreement to be entered into under the authority of this Act for the Commutation of such Tithes shall be deemed valid, binding or effectual unless the consent or consents of such person or respective persons be given or obtained thereto as hereinafter mentioned ; (that is to say) in the case of an Archbishop or Bishop the consent of the Crown, to be signified by the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being ; and in the case of a Rector, Vicar, Curate or other Incumbent of an Ecclesiastical Benefice, or of an Archdeacon, Dean, Prebendary, or other sole ecclesiastical body politic, the consent of the patron or other body politic or person who for the time being would be entitled to present, nominate, collate, appoint or license unto, or give or bestow, such benefice, office, or dignity, in case the same were actually vacant ; and every consent required by this Enactment to be given to any such memorandum of agreement shall and may be signified, either by the body politic or person giving the same being a party to and sealing or signing, by himself, or their or his agent, such memorandum of agreement, or by a separate and distinct instrument in writing expressly referring to such memorandum of agreement, and sealed or signed as aforesaid.

Consents how
to be given.

40.

The Commissioners may require special Consents in addition to the Consents specified in the Act.

And be it Enacted, That in all cases in which the Commissioners shall deem it proper or expedient that the consent of any body politic or person to any memorandum of agreement for the Commutation of Tithes, under the provisions of this Act, shall be obtained, in addition to the consent of the body politic or person whose consent thereto is hereinbefore specified and made requisite, it shall be lawful for the Commissioners, by an order under their common seal, to declare that they require such additional consent ; and in every such case no such memorandum of agreement shall be binding or effectual, nor shall the same, or the commutation thereby agreed to be effected, be proceeded with, unless and until such further consent thereto so required by the Commissioners shall have been obtained and given : Provided always, That nothing in this Enactment contained shall authorize the Commissioners to dispense with the consent of any body politic or person to any memorandum of agreement for the Commutation of Tithes whose consent thereto in any case is by this Act made requisite as aforesaid.

41.

Commissioners to frame and circulate Forms and Memorandums of Agreement, Consents, Notices, &c.

And be it Enacted, That it shall be lawful for the Commissioners and they are hereby required, as soon as conveniently may be after *the passing of this Act*, to frame or cause to be framed and to be printed such forms of memorandums of agreements for effecting Commutations of Tithes, and consents thereto respectively, and of all such notices and other instruments as they may think calculated to facilitate and simplify the execution of the provisions of this Act, and

to

to supply the Owners of Tithes and Lands in the several parishes in England and Wales who may require the same with all or any of such forms.

And be it Enacted, That as soon as any such memorandum of
5 agreement as aforesaid shall have been signed by the Owner or
Owners of the Tithes intended to be commuted thereby, and by *Two-*
third parts or more in value of the Owners of the Lands subject to
the payment of such Tithes, or by their respective agents, and the
consent or consents hereinbefore required or authorized to be required
10 thereto shall have been signed and given by the requisite parties,
such memorandum of agreement and consent or consents shall be
transmitted to the principal Office of the Commissioners by the
Assistant Commissioner who attended the meeting holden for the
purpose of considering the propriety of effecting such Commutation,
15 or by any of the parties signing such memorandum of agreement,
or giving such consent or consents, or by their agents or agent, to-
gether with an affidavit or a declaration in writing verifying in such
manner as the respective matters reasonably admit of, the signatures
to such memorandum of agreement and consent or consents, and
20 that the party or parties expressed in such memorandum of agree-
ment to be the Owner or Owners of the Tithes intended to be com-
muted thereby is or are in reality such owner or owners, and that
the parties expressed therein to be the Owners of the Lands subject
to the payment of such Tithes are in reality such owners, and that
25 the Land Owners by whom or by whose agents such memorandum
of agreement is signed are *Two-third* parts or more in value of the
Owners of the Lands subject to the payment of the Tithes intended to
be commuted, within the true intent and meaning of this Act, and
that the party or parties signing such consent or consents in any
30 character does or do in reality bear such character.

42.
Agreements
for the Com-
mutation of
Tithes, and
Consents
thereto, to be
transmitted to
the Commis-
sioners.

Verification
of the Agree-
ment and Con-
sents thereto.

And be it Enacted, That, as soon as conveniently may be after
such memorandum of agreement, and consent or consents, verified
as aforesaid, shall have been received by the Commissioners, they
shall cause copies of the same to be deposited at some convenient
35 place in the parish to which the agreement relates, or in the neigh-
bourhood thereof, for the inspection of all persons interested in the
Commutation of Tithes intended to be effected thereby; and the
Commissioners shall, immediately after such copies shall have been
so deposited, give or cause to be given, in manner hereinbefore di-
40 rected, notice that such copies have been so deposited, and where
the same may be inspected, and shall also in every such notice appoint
some convenient place or places in or in the neighbourhood of the
parish to which the agreement relates, and such day or so many

43.
Copies of the
Agreement,
and Consents
thereto, to be
deposited for
the inspection
of the parties
interested in
the Commuta-
tion.

Notice to be
given of the
same having
been so de-
posited, and
Meetings to be
appointed for
hearing objec-
tions to the
Agreement
and Consents.

and such days as they shall think necessary and proper (such day or the first of such days not being less than *Forty-two Days* from the time of the deposit of such copies and the giving of such notice in the London Gazette,) when and where an Assistant Commissioner will attend to hear objections from any person or persons interested in the Commutation who shall not have signed such memorandum of agreement, or consent or consents, and may be dissatisfied with the same respectively, or with any matter or thing contained or omitted therein, or in anywise relating thereto ; and the Commissioners shall appoint an Assistant Commissioner to attend at the place or places and day or days appointed for such meeting or meetings respectively, and such Assistant Commissioner shall accordingly attend at every such meeting as aforesaid, and shall hear any objections which may be then and there made by any such person or persons as aforesaid to the said agreement, or consent or consents, or any matter or thing contained or omitted therein or relating thereto ; and when the Assistant Commissioner shall have heard and considered all such objections made before him at such meetings, he shall draw up and transmit a report in writing of all such objections, and of the evidence offered before him, in support of or in reply to such objections, together with his opinion thereon, to the principal Office of the Commissioners.

An Assistant Commissioner to be appointed to attend the Meetings.

The Assistant Commissioner to report to the Commissioners.

44.
The Commissioners to take the Memorandum of Agreement, Consents and Objections thereto, into their consideration ; may call for further Evidence ;

and, if they think proper, propose a supplemental Agreement to the Parties interested ;

And be it Enacted, That the Commissioners shall, upon the receipt of the Report of the Assistant Commissioner, proceed to take such Report, and the memorandum of agreement, and consent or consents to which the same relates, into their consideration ; and the Commissioners may, if they think fit, call for further evidence touching the memorandum of agreement, and consent or consents, or any of them, or any matter or thing contained or omitted therein or relating thereto, and the objections thereto ; and in case the Commissioners shall, upon consideration of the said memorandum of agreement, and consent or consents, and report, and such further evidence (if any), be of opinion that any matter or thing ought to be added to or omitted or varied in any such memorandum of agreement, the Commissioners shall and may cause a statement to be drawn up of the additions to or omissions or variations in such agreement, which appear to them necessary or proper to be made, with their reasons for thinking such additions, omissions or variations necessary or proper, and shall cause such statement, with such reasons, to be laid before the parties interested in the Commutation of Tithes intended to be effected, at a meeting ; of which they shall give and cause to be given the like notice as is hereinbefore required to be given of meetings for considering of the propriety of effecting Commutations of Tithes ; and the Commissioners shall cause an Assistant Commissioner to attend such meeting ;

meeting; and thereupon the Owner or Owners of Tithes and the Owners of Lands in the parish interested in the matters to which the statement of the Commissioners relates, or their agents respectively, may, if they think proper, enter into a supplemental agreement, adopting the additions to and omissions and variations in the original memorandum of agreement contained or recommended in the statement of the Commissioners; and a memorandum of such supplemental agreement shall be reduced into writing in the same manner as hereinbefore directed as to the original agreement; and every such supplemental memorandum of agreement shall be required to be signed by the Owner or Owners of the Tithes intended to be commuted who shall be affected by such supplemental agreement, and by *Two-third* parts in value at least of the owners of the lands subject to the payment of Tithes to such Tithe Owner or Tithe Owners, and the like consent or consents applicable to the case shall and may be required to be given thereto as are by this Act required or authorized to be required to be given to the original memorandum of agreement; and such supplemental memorandum of agreement, and the consent or consents thereto, when perfected, with the like verifications thereof as are hereby required of the original memorandum of agreement, and the consent or consents thereto, shall be transmitted to the principal office of the Commissioners.

and call a Meeting for the consideration thereof, in the same manner as Meetings are called for entering into original Agreements for the Commutation of Tithes. A Memorandum of the supplemental Agreement, if adopted, to be drawn up and signed;

and transmitted, with the necessary Consents thereto, and verification thereof, to the Commissioners.

And be it Enacted, That the Commissioners shall, upon receiving such supplemental memorandum of agreement, and consent or consents thereto, verified as aforesaid, make an order confirming the original memorandum of agreement, with such additions to and omissions or variations in the same as shall be made by the supplemental memorandum of agreement, and declaring that the Commutation of Tithes to which such memorandums of agreement relate shall be established and carried into execution, pursuantly to the terms so finally agreed upon: Provided always, That in case no such objections as aforesaid shall be made to the original memorandum of agreement, and consent or consents thereto, and the same shall be certified to the Commissioners by the Assistant Commissioner appointed to hear any such objections, or in case any such objections as aforesaid shall be made and the same shall be reported and stated to the Commissioners by the Assistant Commissioner appointed to hear the same as aforesaid, but the Commissioners shall not think any addition to or omission or variation in the original memorandum of agreement necessary or proper to be made in consequence of such objections, and the Commissioners shall be themselves satisfied with the original memorandum of agreement, and the consent or consents thereto, then and in every such case the Commissioners shall and may make an order confirming the original memorandum of agreement, and the consent or consents thereto, and declaring

45. Confirmation by the Commissioners of the original and supplemental Memorandums of Agreement and Consents thereto;

or of the original Memorandum of Agreement and Consents, where no supplemental Agreement is required.

that the Commutation of Tithes to which the same relates shall be established and carried into execution pursuantly to the terms thereby agreed upon by the Owner or Owners of the Tithes intended to be commuted, and the Owners of the Lands subject to the payment of such Tithes, without any further reference to such Tithe Owner or Tithe Owners and Land Owners respectively ; and the Commissioners shall give or cause to be given, in manner hereinbefore directed, notice of every such order confirming and establishing the agreement for the Commutation of the Tithes of any parish. 5

46.
Determination
of disputes
and differences
left to the
Commission-
ers by any
Memorandum
of Agreement
for the Com-
mutation of
Tithes.

And be it Enacted, That as soon as conveniently may be after the making of any such order confirming and establishing the agreement for the Commutation of the Tithes of any parish as aforesaid, the Commissioners shall proceed to hear and determine the disputes and differences (if any) expressed in the original and supplemental memorandums of agreement upon which such Commutation of Tithes shall be grounded respectively, or either of them, and not compromised or compounded as aforesaid, and for that purpose the Commissioners shall give or cause to be given notice for the parties interested or concerned in every such dispute or difference, or their respective agents, to attend before them at a day or days and place or places to be fixed for that purpose, and to produce the proofs in support of and make out their respective claims ; and all such notices of meetings for the hearing and determining of such disputes or differences shall be given the like number of days before holding such meeting, or the first of such meetings, and in the manner hereinbefore directed with respect to notices for holding original meetings for the purposes of this Act ; and the Commissioners shall attend at the days and places to be appointed as aforesaid, and shall hear the parties, and their evidence and proofs in support of their respective claims, and shall determine all such disputes or differences between the parties ; and in case of any of the parties to any such dispute or difference making default in attending at the days and places appointed for hearing the same, the Commissioners, if they see fit, shall and may hear and determine the same ex parte, in the absence of such parties so making default, upon the application of the opposite parties ; and every determination of any such dispute or difference so to be made by the Commissioners shall be binding and conclusive upon all the parties in difference, except as hereinafter mentioned. 10 15 20 25 30 35

47.
The Commis-
sioners may
authorize an
Assistant
Commissioner
to hear and
determine dis-
putes or differ-
ences left to

Provided always, and be it Enacted, That in all cases in which it shall appear from the original or supplemental memorandum of agreement, or it shall be otherwise made to appear to the satisfaction of the Commissioners, that the alteration to be made in the annual sum or annual sums to be paid as Commutation Rent for the 40

the Tithes intended to be commuted, according to the determination of any such dispute or difference as aforesaid, shall not exceed the sum of *Ten* Pounds, then the Commissioners may, if they think fit, authorize, and empower any Assistant Commissioner to hear
 5 and determine such dispute or difference; or the Commissioners may in any other cases in which they think it expedient, authorize and empower any Assistant Commissioner to hear and determine any such dispute or difference; and in every such case such Assistant
 10 Commissioner shall fix a day or days and a place or places for hearing and determining such dispute or difference, and shall give or cause to be given notice of such meeting, and shall attend, and hear and determine such dispute or difference, in the same manner as the Commissioners themselves should and might have done; and every determination of any such dispute or difference so made by
 15 such Assistant Commissioner shall be as binding and conclusive upon all the parties in difference as if the same had been made by the Commissioners.

them, where the alteration in the Commutation Rent, as the dispute or difference may be decided, does not exceed 10*l*.

And be it Enacted, That in case any person who shall be a party to any such dispute or difference as aforesaid shall be dissatis-
 20 fied with the determination of the Commissioners or Assistant Commissioner touching the same, and such person shall make it appear to the satisfaction of the Commissioners that the yearly value of the matter involved in such dispute or difference exceeds the sum of *Twenty* Pounds, it shall be lawful for the Commissioners
 25 and they are hereby required, upon the application of the person so dissatisfied (such application being made within *Three* calendar Months after the determination of the Commissioners or Assistant Commissioner, and *Fourteen* Days at least previous notice of such application being given to the person in whose favour such deter-
 30 mination shall have been made), to order and direct *One* or more trial or trials at law to be had for the further trial and final determination of the matter of such dispute or difference, and for that purpose the Commissioners shall make and seal an order for such trial or trials, and shall specify therein the Court in which the action for
 35 obtaining such trial or trials shall be brought, and the issue or issues to be tried, and the parties who are to be plaintiff and defendant respectively in such action, and in what county and at what Assizes or Sittings the same shall be tried, with such other directions as the Commissioners shall deem necessary or proper touching the trial of
 40 such issue or issues; and thereupon the person appointed to be plaintiff as aforesaid shall cause an action to be brought in the Court and upon the issue or issues specified in the order of the Commissioners against the person appointed to be defendant as aforesaid, and shall proceed to a trial in such action in the county and at the Assizes or Sittings specified in the order of the Commissioners, with

48.
 Power to parties dissatisfied with the determination of the Commissioners upon disputes involving a yearly value exceeding 20*l*. to try them in an issue at Law.

liberty, nevertheless, for the Court in which the action shall have been brought to extend the time for going to trial therein, or to direct the trial to be in another county, if it shall seem fit to such Court so to do; and the defendant in such action shall and he is hereby required to name an attorney who shall appear thereto, and accept the issue or issues whereby such claim, and the matter thereof so intended to be tried, may be tried and determined, and which issue or issues shall be settled by the Commissioners in case the parties shall differ about the same; and the parties in such action shall produce all deeds, papers and writings relating to the matters in issue in their respective hands, custody or power upon the trial of such issue or issues, and otherwise, as the Commissioners shall order and direct, with liberty to the opposite parties to make copies thereof or extracts therefrom, in the manner and subject to the rules and directions observed and followed in and by Courts of Equity in cases of issues directed to be tried by such Courts; and in case the Jury shall find any special matter upon the trial of such issue or issues, the Judge before whom the same shall be tried may order such special matter to be indorsed upon the postea, which shall be taken to be part of the verdict or verdicts; and it shall be lawful for the Court wherein such action shall be brought to set aside the verdict or verdicts which shall be given, and order a new trial to be had of the issue or issues therein, if it shall see fit so to do, as is usual in other cases of actions brought in such Court; and the verdict or verdicts which shall be given in such action, and not set aside by the Court, shall be binding and conclusive upon all the parties in difference.

49.
Or to have
the opinion of
a Court of
Law or Equity
upon such
disputes upon
a case.

And be it Enacted, That in case any such dispute or difference relating to a matter of such yearly value as mentioned in the last Enactment shall, in the judgment of the Commissioners, involve a question or questions of law only, it shall be lawful for the Commissioners, at the request of the person dissatisfied with their determination or with the determination of the Assistant Commissioner touching the same, (such request being made to the Commissioners within *Three* calendar Months next after such determination shall have been made, and *Fourteen* Days at least previous notice of such request being given to the person in whose favour such determination shall have been made), to direct a case to be stated and sent to such one of His Majesty's Courts of Common Law or Equity at Westminster as the Commissioners shall think fit, for the opinion of such Court upon such dispute or difference, which case shall be settled by the Commissioners, or under their direction, if the parties differ about the same; and such case shall and may be brought before such Court for its opinion in a summary way, by petition or motion, and the Court shall decide upon the same, and certify its

its decision to the Commissioners; and every decision of such Court upon such case so to be brought before it shall be binding and conclusive upon all the parties in difference.

And be it Enacted, That all such Compositions Real or Moduses
 5 as shall be expressed in any such original or supplemental memorandums of agreement as aforesaid to be payable in respect of certain of the lands to which the same relate, and which shall be fixed money payments, or in their nature not of a variable value, shall, unless the memorandums shall contain any agreement or
 10 direction to the contrary, continue to be paid in respect of such several and respective lands for and in lieu and satisfaction of the Tithes covered thereby, and all such Compositions Real and Moduses as shall be expressed in such memorandums of agreement respectively to be payable for and in lieu and satisfaction of
 15 and for any Tithes generally throughout the parish, or any parts or part thereof, and which shall be fixed money payments, or in their nature not of a variable value, shall, unless the memorandums shall contain any agreement or direction to the contrary, continue to be paid for and in lieu and satisfaction of and for the Tithes
 20 covered thereby, notwithstanding the Commutation of Tithes effected by or under such agreements, and all such Compositions Real and Moduses as aforesaid, shall be recoverable in the same manner as Commutation Tithe Rents are hereinafter by this Act authorized and directed to be recovered; and in assessing and
 25 applotting, under the powers hereinafter contained, the annual sum or annual sums agreed to be paid as Commutation Rent for the Tithes intended to be commuted by such agreements, upon and amongst the lands to which the same relate, due regard shall be had to all such exemptions from and non-liabilities to the pay-
 30 ment of Tithes, and to all such Compositions Real and moduses, as shall in such memorandums of agreement respectively be expressed to be enjoyed by or to be payable in respect of any such several and respective lands, and also to all such Compositions Real and Moduses as shall be expressed in such memoran-
 35 dums of agreement respectively to be payable for and in lieu and satisfaction of and for any Tithes generally throughout the parish, or any parts or part thereof; and all such lands as in any such memorandum of agreement shall be expressed to have been parcel of the possessions of any of the religious houses of the orders
 40 usually denominated the privileged orders, or to be glebe lands, and to be exempt from the payment of Tithes whilst in the proper manurance or occupation of the owners thereof, or of any ecclesiastical bodies politic or persons, and which shall be charged with any Commutation Tithe Rents under the provisions of this Act hereinafter contained, shall be exempt from the payment of such

50.
 Compositions Real and Moduses for particular Lands expressed in the Memorandums of Agreement to continue to be paid.

Regard to be had to Exemptions from the payment of Tithes, Non-liabilities to the payment of Tithes, Compositions Real and Moduses, expressed in the Memorandums of Agreement, in assessing and applotting the Commutation Rent.

Exemption of Abbey Lands of the privileged orders, and of Glebe lands, from the payment of Commutation Tithe Rents when in the manurance or occupation of Owners, Ecclesiastical Persons, &c.

Commutation Tithe Rents whilst in the manurance or occupation of any such owners or ecclesiastical or other persons respectively as would have been entitled to hold the same exempt from the payment of Tithes whilst in their own manurance or occupation as expressed in such memorandum of agreement in case this Act had not passed and the Commutation of Tithes had not taken place. 5

51.
Regard to be
had to com-
promises and
compositions
of disputes
expressed in
the Memor-
dums of
Agreement.

And be it also Enacted, That in every case in which any such compromise or composition of disputes or differences as aforesaid shall be expressed in the original or supplemental memorandum of agreement, the terms of such compromise or composition as so expressed shall be observed in making the assessment and applotment under the provisions of this Act of the annual sum or annual sums agreed to be paid as Commutation Rent for the Tithes intended to be commuted by such agreements, upon and amongst the lands to which the same relate. 10 15

52.
Regard to be
had to dis-
putes and
differences
referred and
determined by
the Commis-
sioners, or an
Assistant
Commission-
er, &c.

And be it also Enacted, That in every case in which any such dispute or difference as aforesaid shall have been heard and determined by the Commissioners or Assistant Commissioner under their authority, or shall have been decided by the verdict or verdicts in any such action at law, or by the opinion of the Court upon any such case stated as aforesaid, such determination or decision, and the alteration consequent upon such determination or decision in the annual sum or annual sums, or any part or parts thereof, agreed to be paid as Commutation Rent for the Tithes intended to be commuted by such agreements, or with regard to the Tithe Owner or Tithes Owners respectively to whom the same shall be payable, or in such other terms of agreement as shall be affected by such determination or decision as expressed in the memorandums or memorandum of agreement, shall be observed in making the assessment and applotment hereinafter directed in the same manner as is hereinbefore directed with respect to the observance of the terms of compromise and composition hereinbefore mentioned; but in case the alteration consequent upon any such determination or decision in the several matters before mentioned or referred to in this Enactment shall not have been agreed upon or expressed in the memorandums or memorandum of agreement, the Commissioners shall order or direct what alteration in such matters respectively is, under all the circumstances of the case, necessary and proper to be made in consequence of such determination or decision and in accordance therewith; and such alteration so in that case ordered or directed by the Commissioners to be made shall be observed in making such assessment and applotment as aforesaid. 20 25 30 35 40

And

And be it Enacted, That in case the parties to any such original or supplemental memorandum of agreement shall have expressed therein upon what principle or in what manner, as regards the different natures and qualities and culture of the lands to which the same relate, and other like incidents, the annual sum or annual sums thereby agreed to be paid as Commutation Rent for the Tithes thereby intended to be commuted shall be assessed and applotted upon and amongst the several and respective lands subject to the payment of such Tithes, or shall, pursuantly to the directions hereinbefore contained, have expressed therein any other matters or things for explaining and giving effect to the contract between them, all such agreements, matters and things so expressed shall be observed in making the assessment and applotment hereinafter directed in the same manner as is hereinbefore directed with respect to the observance of the terms of compromise and composition hereinbefore mentioned.

53.
Provisions in the Memorandums of Agreement as to the principle upon which the Commutation Rent shall be assessed and applotted, with reference to the nature, qualities and culture of Lands and other matters to be observed.

And be it Enacted, That in case any Tithe Owner or Tithe Owners and Land Owner or Land Owners, parties to any such memorandum of agreement, shall have agreed upon and expressed therein any annual sum or sums to be charged upon any lands of such Land Owner or Land Owners respectively as Commutation Rent for the Tithes of such lands payable to such Tithe Owner or Tithe Owners respectively, every such special agreement shall be observed in making the assessment and applotment hereinafter mentioned, in the same manner as is hereinbefore directed with respect to the terms of compromise and composition hereinbefore mentioned.

54.
Agreements for Tithe Rents to be paid for particular Lands to be observed.

And be it also Enacted, That in the assessment and applotment under the provisions hereinafter contained, of the annual sum or annual sums agreed to be paid as Commutation Rent for the Tithes intended to be commuted by any such agreements or agreement as aforesaid, upon and amongst the lands subject to the payment thereof, all such lands shall be considered subject to the payment of all the Tithes intended to be commuted in kind, unless and except only so far as the contrary shall be expressed in the memorandums or memorandum of agreement, or shall be determined by the Commissioners or Assistant Commissioner, or decided in any such action or upon any such case stated as aforesaid under the provisions hereinbefore contained; and also, in the assessment and applotment of such annual sum or annual sums upon and amongst such lands respectively, such annual sum or annual sums shall be assessed and applotted upon and amongst such lands respectively in due proportion and with regard to the annual value of the Tithes in respect of which such annual sum or annual sums shall be agreed to be paid, usually arising or which but for such Commutation might be expected

55.
Rules and regulations as to the manner of the Assessment and Applotment of the Commutation Rent in general.

to arise upon and from off such lands respectively, unless and except only so far as the contrary shall be expressed in the memorandums or memorandum of agreement, or shall be required by the provisions of this Act, with reference to the matters contained in such memorandums or memorandum of agreement: Provided always, That in cases in which any such annual sum or annual sums respectively shall be agreed to be paid for and in respect of certain Tithes only, any of the lands subject in law to the payment of the Tithes in respect of which such annual sum or annual sums respectively shall be agreed to be paid, but upon which such Tithes have not usually arisen, and, from the nature, quality or culture of such lands, might not be expected to arise, may, if the Assistant Commissioner making the assessment and applotment shall see proper, be charged respectively with a fixed and invariable nominal sum, instead of a proportion of such annual sum or annual sums agreed to be paid as Commutation Rent under the agreements or agreement, and the whole of such annual sum or annual sums may in that case be assessed and applotted upon and amongst the other lands subject to the payment of the Tithes agreed to be commuted, although no provision shall have been made in the memorandums of agreement in that behalf.

56.

The Commissioners to make and transmit an order and certificate to an Assistant Commissioner to assess and applot the Commutation Rent upon the Lands subject to the payment of the Tithes commuted.

And be it Enacted, That as soon as conveniently may be after such disputes and differences as shall have been left to the determination of the Commissioners by any such original or supplemental memorandum of agreement as aforesaid shall have been determined or decided in manner aforesaid; or in case no such disputes or differences shall have been so left, then as soon as conveniently may be after making the order for the confirmation of any such memorandums or memorandum of agreement, and for the establishment and carrying into execution of the Commutation of Tithes to which the same relate or relates, the Commissioners shall make out and seal, and transmit to one of the Assistant Commissioners their order and certificate, directing such Assistant Commissioner to assess and applot the annual sum or annual sums by such memorandums or memorandum agreed to be paid as Commutation Rent for the Tithes intended to be commuted, upon and amongst the several and respective lands subject to the payment of such Tithes; and they shall in such order and certificate express, as far as the circumstances of each particular case will allow, and with as much certainty as reasonably may be, the several matters and things hereinafter mentioned or referred to; (that is to say) the name of the parish the Tithes of which have been so agreed to be commuted, and the county or counties in which the same lies, and the names and residences and descriptions of the several parties to the memorandums of agreement respectively, or memorandum of agreement, and of their

What such order and certificate shall contain.

their respective agents signing the same, and the Tithes agreed to be commuted, and who is or are the Owner or Owners of such Tithes respectively, and the lands subject to the payment of such Tithes, and the quantity and contents in statute measure of such lands respectively, and the names of the owners and occupiers of such lands respectively, and which of the Tithes agreed to be commuted are payable to such Tithe Owner or Tithe Owners, or to such respective Tithe Owners, and which of such lands respectively are subject to the payment of such Tithes respectively, and the annual sum or annual sums which has or have been agreed to be paid for such Tithes to such Tithe Owner or Tithe Owners, or to such respective Tithe Owners, and all other particulars of the memorandums or memorandum of agreement upon which such Commutation of Tithes is grounded, and of the determination of the Commissioners or Assistant Commissioner upon the disputes or differences (if any) left to the determination of the Commissioners, or of the decision of such disputes or differences in any such actions or upon any such cases stated as aforesaid, together with all such special or general orders and directions grounded upon or arising out of the memorandums or memorandum of agreement, or determination or decision of such disputes or differences as aforesaid, or grounded upon the general orders or rules made by the Commissioners, or upon the provisions of this Act, and that either by special mention or by reference, as the Commissioners shall deem necessary or expedient for enabling the Assistant Commissioner to assess and applot the annual sum or annual sums agreed to be paid as commutation rent upon the lands to be charged therewith respectively, according to the agreement of the parties to the Commutation, and the determination and decision of such disputes and differences as aforesaid, and the orders and rules of the Commissioners, and the true intent and meaning of this Act; and they shall also ascertain from the certificate of the Comptroller of Corn Returns in the London Gazette, and specify in such their certificate the average price throughout England and Wales of a bushel of good marketable wheat, barley and oats respectively during the period of *Seven Years*, ending on the feast day of Saint Michael the Archangel *One thousand eight hundred and Thirty-five*, or on the same feast day next before the date of the original memorandum of agreement for the commutation.

And be it Enacted, That, as soon as conveniently may be after the receipt by the Assistant Commissioner of such order and certificate of the Commissioners as aforesaid, such Assistant Commissioner shall and he is hereby required to proceed to assess and applot the annual sum or annual sums agreed and ordered to be paid as Commutation Rent for the Tithes to which the same relates upon and amongst the several and respective lands to be charged therewith,

57.
The Assistant Commissioner to proceed to assess and applot the Commutation Rent upon the Lands to be charged therewith.

according to the order and certificate of the Commissioners; and in making every such assessment and applotment as aforesaid the Assistant Commissioner shall follow, observe and adopt all and every such orders, rules and directions, matters and things, as shall be expressed or referred to in and by the order and certificate of the Commissioners; and the Assistant Commissioner shall express in every such assessment and applotment the average price throughout all England and Wales of a bushel of good marketable wheat, barley and oats respectively during the period mentioned in the order and certificate of the Commissioners as specified by them therein.

58.

The Assistant Commissioner to deposit a draft of his Assessment and Applotment for the inspection of parties concerned;

And be it Enacted, That before any such assessment and applotment shall be signed by the said Assistant Commissioner as hereinafter mentioned, the Assistant Commissioner shall deposit or cause to be deposited a copy of the draft of the same at some convenient place in or in the neighbourhood of the parish to which the same relates, there to remain during such convenient time as he shall think fit (being not less than *Twenty-eight Days*) for the perusal and inspection of all persons interested in any of the matters or things to which such assessment and applotment relates; and the Assistant Commissioner shall immediately after the deposit of the copy of the draft give or cause to be given in manner hereinbefore directed notice that such draft has been so deposited, and where the same may be inspected, and shall also in every notice appoint some convenient place or places in or in the neighbourhood of the parish, and such day and so many and such days as he shall think necessary and proper, (such day or the first of such days not being less than *Twenty-eight Days* from the time of the deposit of the draft and the giving of the notice in the *London Gazette*,) for hearing objections to such draft; and the Assistant Commissioner shall attend with such draft at such place or places and day or days of meeting as he shall so appoint for hearing objections, and shall hear all such objections (if any) as shall be made to the draft of his assessment and applotment; and when the Assistant Commissioner shall have heard all such objections (if any) as may be so made to such draft, he shall make and is hereby required to make all or any such alterations, modifications or amendments of or in such draft, and in the assessment and applotment therein expressed, as the justice of the case shall seem to him to require.

to appoint Meetings for hearing objections;

to attend at the Meetings and hear objections;

to make alterations in the draft, if justice require it.

59.

Notice to be given of the draft of the assessment and applotment being finally settled.

And be it Enacted, That as soon as the draft of the assessment and applotment shall have been finally settled by the Assistant Commissioner, he shall give or cause to be given notice, in manner hereinbefore directed, of such draft having been by him so finally settled.

And

Appeal to the
Quarter or
General Ses-
sions of the
Peace against
the assessment
and applot-
ment.

And be it Enacted, That if any person shall feel himself aggrieved by or dissatisfied with the draft of the assessment and applotment as so finally settled by the Assistant Commissioner, or any part thereof, or any matter or thing contained or omitted therein, it shall
5 be lawful for such person to appeal to the Quarter or General Sessions of the Peace which shall be held in and for the county, riding or division within which the parish to which the Commutation relates, or the greatest part thereof, shall be situate, next, or in case such next Sessions shall be held within *Forty-two* Days after the last
10 notice in the church of the final settlement of the draft of the assessment and applotment, then at the option of such appellant to the next or next Sessions but one after such last notice in the church, such appellant giving *Twenty-eight* Days' notice at least before such Sessions of his intention to appeal, and specifying in such
15 notice the ground or grounds of his complaint, to the Assistant Commissioner who shall have made such assessment and applotment, or in case of his death or removal, or otherwise having ceased to be an Assistant Commissioner, then to the Commissioners; and the appellant shall also, the like number of days before the Sessions,
20 insert or cause to be inserted in the London Gazette, and in some provincial newspaper (if any there be) circulated in the neighbourhood of the parish, a copy of such notice, and shall also, the like number of days before the Sessions, deliver or cause to be delivered a copy of such notice to any Tithe Owner or Tithe Owners or Land
25 Owner or Land Owners, who shall be specially interested in the matter of the complaint, and to the churchwardens of the parish, who shall and are hereby directed, on the receipt thereof, to do all such acts, matters and things with and with relation thereto, as they are hereinbefore directed to do with or with relation to duplicates of
30 notices sent to them by the Commissioners or Assistant Commissioners respectively; (provided always, that the appellant shall not be prejudiced by any default of the churchwardens in that behalf;) and such appellant shall, within one week after giving such notice as aforesaid to the Assistant Commissioner or to the Commissioners,
35 enter into a recognizance before some Justice of the Peace of the county, riding or division in which the appeal is brought, having no interest in the matter of such appeal, with *One* sufficient surety, and in such sum as to such Justice shall seem reasonable, conditioned to try his appeal and abide the order of the Justices at such Sessions,
40 and to pay such costs (if any) as shall be awarded against him at such Sessions; and the Justices at such Sessions, or any adjournment thereof, or any future Sessions to which the hearing of such appeal may be adjourned, shall hear and determine the matter of every such appeal, and make such order therein, either by dismissing the appeal, or by altering, modifying or amending the assessment and applotment in the matters complained of, as the circumstances of

the case may appear to them to require; and the determination and order of the Justices on such appeal touching or concerning the matters complained of shall be final, binding and conclusive on all parties and to all intents and purposes; and the draft of the assessment and applotment shall be altered, modified or amended by the Assistant Commissioner according to the determination of the Justices, in case they shall have directed any such alterations, modifications or amendments: Provided always, That no diminution or alteration shall be made in the total amount of the annual sum or annual sums agreed and by the Commissioners ordered to be paid as Commutation Rent for or in respect of the Tithes agreed and ordered to be commuted; and the said Justices shall, if they see fit, award such costs as they shall deem reasonable to be paid by the appellant to the Assistant Commissioner, or to the Commissioners, or to any other party appearing by himself or by his agent, solicitor, or counsel in opposition to such appeal, or to be paid by any party appearing by himself, or by his agent, solicitor or counsel, in opposition to such appeal (not being the Assistant Commissioner or the Commissioners, against whom in no case shall costs of any such appeal be awarded,) to the appellant; and in any case in which such costs shall not be paid on demand, it shall be lawful for any one Justice of the county, riding, or division in which the appeal shall have been brought to levy the same in the like manner as the Commissioners are hereinafter directed to levy costs hereinafter authorized to be awarded and levied by them.

Costs of
Appeal.

61.

Assistant
Commissioner
to make and
sign Two Co-
pies or trans-
cripts of the
Assessment
and Applot-
ment.

And be it Enacted, That as soon as conveniently may be after the time for appealing against the assessment and applotment of the Assistant Commissioner shall have expired, without any appeal having been brought, or in case of appeal, then as soon as may be after the determination of the appeal and the making of any alterations, modifications or amendments of or in such assessment and applotment which shall have been ordered by the Justices as aforesaid, the Assistant Commissioner shall and he is hereby required to cause a copy or transcript of such assessment and applotment to be fairly written on parchment in each of *Two* books to be provided for the purpose, and such Assistant Commissioner shall sign each of the same copies and transcripts, as and for his assessment and applotment, in the presence of *Two* or more witnesses, who shall attest the same; and the Assistant Commissioner shall subscribe the year, month and day of his signing the same; and the Assistant Commissioner shall transmit one of such copies or transcripts of the said assessment and applotment so signed and attested to the churchwardens of the parish to which the same relates, and such churchwardens shall immediately deposit, and for ever thereafter carefully preserve the same in the parish chest or vestry

One transcript
to be sent to
the Church-
wardens of the
Parish;

vestry or some other convenient and secure place where the documents or records of such parish are usually kept, and to which assessment and applotment all persons interested therein shall and may at all times have access with permission to take copies thereof or extracts therefrom on giving reasonable notice to the churchwardens for the time being; and the other of the said copies or transcripts shall be transmitted by the said Assistant Commissioner to the Registrar of the diocese in which the parish to which the same relates is situate, and the Registrar shall immediately deposit, and for ever thereafter cause the same to be carefully kept, in the Registry of the Consistory Court of the diocese; and either of the said two copies or transcripts, or a copy of that one of them deposited in the Registry of the Consistory Court of the diocese, or of any extract therefrom, under the hand of the Registrar or his deputy for the time being, shall be admitted and allowed in evidence in all courts of law and equity and on all other occasions; and such last-mentioned transcript may at all reasonable times be inspected by any person on payment of the sum of *One Shilling* to the Registrar or his deputy.

the other transcript to be sent to the Registry of the Diocese.

And be it Enacted, That when and so soon as such copies or transcripts of the assessment and applotment so made by the Assistant Commissioner shall have been so signed by him as aforesaid, the Commutation of Tithes agreed and intended to be effected shall be considered as perfected to and for all intents and purposes; and the Tithes so commuted shall for ever, from and after the *Twenty-fifth day of December* next after such copies or transcripts shall have been so signed, be deemed to be extinguished; and the parts of the annual sum or annual sums charged by the assessment and applotment upon the respective lands to which the same relates shall at all times for ever, after the said *Twenty-fifth day of December*, be the Commutation Tithe Rents payable for or in respect of the Tithes of such respective lands which shall have been so commuted; and such Commutation shall not at any time after the signing of the said copies or transcripts be impeached, questioned, disputed or invalidated in any manner whatsoever, for or by reason of any mistake having been made in any of the proceedings or documents relating thereto, with regard to the ownership of the Tithes commuted, or with regard to the ownership of the lands subject to the payment thereof, or with regard to the value of such lands, or by reason of any mistake as to the consenting parties to such Commutation, or by reason of any mistake as to the authority of persons assuming to act as agents, or by reason of any other mistake, or by reason of any informality or irregularity having been committed or having happened in the proceedings taken with a view to such Commutation, or for or by reason of any other matter or thing whatsoever.

62.

The Commutation perfected when the transcripts of the Assessment and Applotment have been signed by the Assistant Commissioner.

Commutation not to be questioned by reason of mistakes or informalities.

63.
Commutation
Tithe Rents,
when to begin;

Midsummer-
day and
Christmas.

And be it Enacted, That in every case of Commutation of Tithes under the provisions of this Act, the payment of the Commutation Tithe Rents assessed and applotted upon the respective lands, which were subject to the payment of the Tithes commuted, shall begin and be reckoned from the *Twenty-fifth* day of *December* next after the Assistant Commissioner shall have signed the copies or transcripts of his assessment and applotment of such Commutation Tithe Rents, and the same shall be paid by *Two* equal half-yearly payments, on the *Twenty-fourth* day of *June* and *Twenty-fifth* day of *December* in every year.

64.
Recovery of
Commutation
Tithe Rent,

by Suit in
Equity,
or Action at
Law.

Lands and the
Owners and
Occupiers
thereof, sub-
ject to the
payment of
the Commuta-
tion Tithe
Rent charged
thereon only.
Owners and
new Occupiers
subject to the
payment of
One Year's
arrears only.

And be it Enacted, That in case any Commutation Tithe Rent to become payable and to be paid under the provisions of this Act, or any half-yearly payment thereof, or any part thereof, shall be in arrear or unpaid to the person for the time being entitled to the same for the space of *Twenty-eight* Days next after the day or respective days on which the same shall have been payable, it shall be lawful for such person so for the time being entitled, or his executors or administrators, or any other person lawfully entitled to collect or receive the same, to recover such sum or sums of money so unpaid as aforesaid from the owner or owners, or occupier or occupiers of the lands subject or liable to the payment thereof, or from any of such owner or occupiers, or their respective executors or administrators, by suit in equity, or by action of debt or assumpsit, wherein the plaintiff may declare generally that the defendant or defendants is or are indebted to him in so much money for Commutation Tithe Rent, without setting forth this Act or any special matter, together with such costs and charges as may be recovered in suits in equity, or in actions of debt or assumpsit; and also to have and exercise all such powers and remedies of distress and sale for recovering such sum or sums of money so unpaid as aforesaid, together with the costs, charges and expenses occasioned by the non-payment thereof, upon, from and out of the several lands subject or liable to the payment thereof, as by the laws and statutes of this realm are or may be given for the recovery of rent in arrear upon common demise; but nevertheless so as that no lands, nor the owners or occupiers thereof respectively, shall be subject or liable to the payment of any other or greater sum or sums of money than the particular sum or sums of money, to the payment of which, as Commutation Tithe Rent, such land shall be for the time being subject or liable by virtue of this Act, and which shall be in arrear, and the costs and charges of recovering the same; and so also that the owner of any lands not being himself the occupier thereof shall not be subject or liable to the payment of more than *One* Year's arrears of the sum or sums of money, to the payment of which such lands are subject or liable, accrued previously to the demand of payment

369

payment from him of such arrears, and the costs and charges, if any shall be incurred, of recovering the same; and so also as that, in all cases of a change of occupation of any lands, the new occupier thereof shall not be subject or liable to the payment of more than
 5 One Year's arrears of the sum or sums of money, to the payment of which such lands are subject or liable, accrued previously to the occupation of such new occupier, and the costs and charges, if any shall be incurred, of recovering the same: Provided always, That nothing herein contained, shall be construed to discharge the former
 10 occupiers of such last-mentioned lands or any of them from the payment of any part of such arrears accrued during their respective occupation thereof.

But this not to discharge former Occupiers from arrears accrued during their occupancy.

And be it Enacted, That no Commutation Tithe Rent or other sum or sums of money payable under the provisions of this Act,
 15 shall be recoverable or recovered by suit in any Spiritual Court, or in or by any suit, action or proceedings other than are herein expressly authorized or provided for the recovery thereof.

65.
 Commutation Tithe Rent not to be recovered by suit in the Spiritual Courts.

And be it Enacted, That in case any action of Replevin or Trespass shall be brought in consequence of any distress made in
 20 pursuance of this Act, it shall be lawful for the defendant in Replevin to avow or make cognizance generally in manner following; (that is to say) that the lands whereon such distress was made, and the person in the occupation thereof at the time of making such distress, were and was subject or liable to pay to the person for the time
 25 being entitled to the Commutation Tithe Rent distrained for such a certain sum of money for Commutation Tithe Rent for the time during which the sum distrained for accrued, which sum was then and still remains due, without setting forth this Act or any other special matter; and it shall be lawful for the defendant in any
 30 action of Trespass to plead in the same or like manner and form so far as the same is applicable to a plea in an action of Trespass.

66.
 Avowry in Actions of Replevin.

And be it Enacted, That in case of any execution had or levied at the suit of any person or any distress made upon any lands subject or liable to the payment of any Commutation Tithe Rent, or upon
 35 any part thereof, or upon any house standing thereon, or in case the stock, crops, goods and chattels in or upon any such lands or any part thereof, or any house thereon, shall be seized or taken possession and disposed of under or by virtue of any fiat in bankruptcy or any proceedings under the same, or under or by virtue of any of
 40 the Acts for the relief of insolvent debtors, every or any person entitled to such Commutation Tithe Rent, or any part thereof, shall be entitled to receive, out of the produce of such execution, distress and seizure or disposition, all arrears (not exceeding One whole

Pleading in Actions of Trespass.

67.
 In cases of execution, distress, bankruptcy and insolvency, the Tithe Owner to receive the Commutation Tithe Rent in arrear, not exceeding one Year's Commutation Tithe Rent.

year's amount) of such Commutation Tithe Rent, in preference to any debt, rent, taxes or sum or sums or purpose whatsoever for which such execution, distress or seizure or disposition shall have been levied or made, any law, statute, usage or custom to the contrary notwithstanding.

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68.

Where Lands
are in lease at
the time the
Commutation
takes effect
the occupier
may adopt the
Commutation,

And be it Enacted, That it shall be lawful for any person who shall be in the occupation of any lands which shall be made subject or liable to the payment of any Commutation Tithe Rent by virtue of this Act, under any lease or agreement for a lease which shall not be expired or determined at the time from which the payment of such Commutation Tithe Rent shall commence, at his option to assent to and adopt the Commutation, and in that case such person shall enjoy the same benefit of such Commutation during the remainder of the term of such lease or agreement as if such lease or agreement had been created or made after the time from which such Commutation commenced; or such person may dissent from the Commutation, and in that case, if he shall pay such Commutation Tithe Rent, or any part thereof, during the remainder of the term of such lease or agreement, it shall be lawful for him to retain or deduct the amount of the Commutation Tithe Rent which he shall so pay out of and from the rent payable by him to the owner or owners of the lands in respect of which such Commutation Tithe Rent shall have been so paid, or any of them, or otherwise to demand and recover the amount thereof from such owner or owners or any of them, or their respective executors or administrators; and the owner or owners of the lands subject or liable to the payment of such Commutation Tithe Rent shall be entitled to receive from the person or persons in the occupation of such lands the same Tithes, or such compositions or composition in lieu thereof, or any of them, during the remainder of the lease or agreement, as the person or persons previously entitled to such Tithes would have been entitled to receive upon, from, or in respect of such lands during the same period in case such Commutation had not taken effect, such owner or owners of the lands making to the person or persons in the occupation thereof, a proper allowance for parochial and county rates, charges, taxes, assessments and impositions, or the proportion thereof which would have been chargeable upon or in respect of such Tithes if such Commutation had not taken effect: Provided always, That every such person in the occupation of lands under any lease or agreement for a lease, which shall not be expired or determined at the time from which the payment of such Commutation Tithe Rent shall commence, shall be taken to have assented to and adopted the Commutation, unless he shall have signified his dissent therefrom, by some notice in writing, signed by him, and given to or left at the residence of the owner or owners of the lands, or his or their agents, either before

10

or may dissent
therefrom.

15

Effect of dis-
sent.

25

30

35

Who shall be
taken to have
assented.

40

before or within *Three* calendar Months next after the time when the payment of such Commutation Tithe Rent shall have commenced.

And be it Enacted, That whenever the Tithes of any lands, or any of such Tithes, shall have been commuted under the provisions of this Act, every lease or agreement for a lease of such lands which shall be executed or made after the time from which such Commutation shall commence shall be made or be deemed to be made free from the payment of the Commutation Tithe Rent charged upon such lands; and it shall be lawful for the lessee or occupier of such lands, and every or any such lessee or occupier is hereby authorized, and required, to pay the amount of the Commutation Tithe Rent which shall accrue due from time to time in respect of such lands; and it shall be lawful for such lessee or occupier of such lands to deduct the amount of all such payments from time to time out of the amount of rent payable by him to his immediate landlord; and the receipt of the owner of such Commutation Tithe Rent, or of his collector, or the receipt of any such collector having levied the same or any part thereof, under the authority of this Act, and which receipt such owner or collector is hereby required to give whenever the same shall be demanded, shall be a legal and sufficient discharge to the lessee or occupier of such lands for so much of the rent payable by him to such landlord as the sum specified in any such receipt to have been paid by such lessee or occupier for Commutation Tithe Rent shall amount to; and every such landlord shall accept such receipt in payment of so much of the rent payable by such lessee or occupier to him.

69.
Lands of which the Tithe shall have been commuted to be let free from the payment of the Commutation Tithe Rent.

The Lessee or Occupier to pay the Commutation Tithe Rent charged on the Lands, and deduct it from the Rent payable to his Landlord.

And be it Enacted, That this Act, or any thing therein contained, or any proceedings under the same, shall not extinguish, prejudice or affect, or be construed to extinguish, prejudice or affect, any right or claim to any Tithes subtracted, unpaid or unaccounted for, or any composition or sum of money in lieu thereof, which shall have accrued or become due before the time from which the payment of the Tithe Rents under any Commutation to take effect by virtue of this Act shall commence; but all or any such Tithes, or the value thereof, or any increased value thereof, or any composition or sum of money in lieu thereof, shall be payable, recoverable and recovered in like manner and by the same proceedings as if this Act had not passed.

70.
Act not to prejudice right to Tithes accrued before the Commutation takes effect.

And be it Enacted, That the statutes and laws now in force for the limitation of actions and suits for the recovery of Tithes subtracted, unpaid or unaccounted for, shall be in force and apply to the sums of money charged as Commutation Tithe Rent upon lands by virtue of this Act.

71.
Statutes of Limitation to apply to Commutation Tithe Rent.

72.

Commutation
Tithe Rent
not to be sub-
ject to Paro-
chial or
County Rates.

Lands
charged with
the payment
of Commuta-
tion Tithe
Rents to be
rated and
assessed with-
out deduction
on account
thereof.

And be it Enacted, That the Commutation Tithe Rents payable under the provisions of this Act shall not be subject or liable to the payment of any poor rate, surveyors or highway rate, or any parochial or county rate, charge, tax, assessment or imposition whatsoever: Provided always, That the lands charged with the payment of such Commutation Tithe Rents shall be rated and assessed to all parochial and county rates, charges, taxes, assessments and impositions to the payment of which the Tithes commuted were, previously to the Commutation, subject or liable, without any deduction from the value of such lands, or allowance, being made on account of such Commutation Tithe Rents being payable out of the same.

73.

The Provisions
of the Statute
4 & 5 Will. 4.
c. 22. to apply
to this Act.

And be it Enacted, That the several provisions for the apportionment of rents, annuities, pensions, dividends, moduses, compositions and other periodical payments, contained in an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act to amend an Act of the eleventh year of King GEORGE the Second, respecting the apportionment of rents, annuities and other periodical payments," shall extend and be deemed to extend and apply to all Commutation Tithe Rents which may become payable under the provisions of this Act.

74.

Provisions for
varying Com-
mutation Tithe
Rents from
Seven Years to
Seven Years,
according to
the price of
Wheat, Barley
and Oats.

And be it Enacted, That on the expiration of the period of *Seven* Years from the time from which, under the provisions of this Act, the payment of any Commutation Tithe Rents established in any Parish shall commence, or within *Two* calendar Months therefrom, and so from time to time on the expiration, or within *Two* calendar Months next after the expiration of every or any successive period of *Seven* Years, but at no intermediate time or times, it shall be lawful for any person entitled to such Commutation Tithe Rents, or for the owner or owners for the time being of *One-third* part in value at least of the lands charged with the payment thereof, to give notice in writing to be affixed to the principal door of the church of such parish, and to be published by advertisement in some provincial newspaper usually circulated in the neighbourhood, if there should be any such, or if there should be no such newspaper, then in the London Gazette (such notice to be so affixed and published as aforesaid at least *One* calendar Month before such intended application as hereinafter mentioned), of his or their intention to apply to the Justices of the Peace for the county, riding or division within which such parish, or the greatest part thereof, shall be situate, at the Quarter or General Sessions of the Peace to be held in and for the same county, riding or division next after the giving of such notice, to vary and alter such Commutation Tithe Rents payable in such parish according to such variation or alteration in the price of wheat, barley and oats as there may have been within the period of *Seven* Years preceding; and upon

Application to
the Quarter
or General
Sessions of the
Peace for that
purpose.

- upon every such application so to be made as aforesaid the Justices shall at such Sessions ascertain, from the certificate of the Comptroller of Corn Returns, or other proper Officer, in the London Gazette, what was the average price of good marketable wheat, barley and oats (reckoning the aggregate price of a bushel of each), throughout England and Wales for the period of *Seven Years* ending on the feast day of Saint Michael the Archangel next preceding such application; and if it shall appear to such Justices that the average price of wheat, barley and oats shall have been different by *One-twentieth* part or more of the whole of such average price from what the average price was when first ascertained by the Commissioners, or (as the case may be), when last previously ascertained by the Justices, then and in every such case such Commutation Tithe Rents payable in such parish shall, as the case may require, be increased or reduced and adjusted by the Justices so as to be made to bear the same ratio or proportion to the Commutation Tithe Rents first assessed and apportioned by the Assistant Commissioner or last previously fixed by the Justices as the average price of wheat, barley and oats so then ascertained by the Justices shall bear to the average price of wheat, barley and oats when first ascertained by the Commissioners or when last previously ascertained by the Justices, and shall be declared and fixed by the order of the Court accordingly, and which order such Court is hereby empowered and required to make; and such Commutation Tithe Rents so fixed by the order of the Court shall from the half-yearly day of payment next preceding the making of such order remain and continue issuing and payable out of the respective lands charged with the payment of Commutation Tithe Rent in such parish respectively, instead of the Commutation Tithe Rents previously payable out of the same respectively, and shall be paid under the provisions of this Act accordingly, until such Commutation Tithe Rents shall be again varied or altered by any subsequent order of the Justices to be made upon such application and in such manner as hereinbefore mentioned, and so from time to time at the end of every successive period of *Seven Years*, to be computed as aforesaid for ever; and such reasonable costs, fees and charges of Court of every such application to the said Court of Quarter or General Sessions for varying and re-ascertaining such Commutation Tithe Rents as aforesaid as the Justices shall think proper to allow shall be defrayed by the party or parties, person or persons, making such application.

And be it Enacted, That previously to or in the month of *November One thousand eight hundred and Thirty-six* and previously to or in the month of *November* in every succeeding year, the Comptroller of Corn Returns for the time being, or such other Officer as may from time to time be in that behalf authorized and

75.
Comptroller
of Corn
Returns, or
other Officer,
in November
in every year,
to ascertain
the average

price of Wheat,
Barley and
Oats for the
Seven years
ending at the
Michaelmas
preceding, and
publish it in
the London
Gazette.

The Commis-
sioner and
Justices to
adopt and act
upon the
average prices
of Wheat,
Barley and
Oats so ascer-
tained.

empowered by the Privy Council, shall ascertain from the Corn Returns made to him from the market towns in England and Wales, and shall in the same month in every year cause an advertisement to be inserted once in the London Gazette, certifying what has, during the *Seven Years* ending on the feast day of Saint Michael the Archangel last preceding, been the average price throughout England and Wales of a bushel of good marketable wheat, barley and oats respectively; and the Commissioners in making any order and certificate for the assessment and applotment by any Assistant Commissioner of any annual sum or annual sums agreed to be paid as Commutation Rent, and the Justices in making any order at their Quarter or General Sessions of the Peace for varying and altering any Commutation Tithe Rents, shall adopt and act upon the average price of wheat, barley and oats so certified by such Comptroller of Corn Returns, or other Officer as aforesaid, in the month of *November* next before the making of any such order and certificate by such Commissioners, or the making of any such order of Sessions by by such Justices as aforesaid.

76.

Provisions for
the separate
Assessment
and Applot-
ment of
Commutation
Tithe Rents
upon Lands of
an Owner
holding under
distinct titles.

And be it Enacted, That where any owner of any lands, the Tithes or any of the Tithes of which shall be proposed to be commuted under the authority of this Act, shall hold such lands respectively under distinct titles or for different estates, or under any other different circumstances making the application of this Enactment necessary, or in the opinion of such owner expedient, the Assistant Commissioner shall in making his assessment and applotment hereinbefore directed to be made, on the request of such owner, assess and applot separate and distinct Commutation Tithe Rents upon or in respect of such lands of such owner respectively, according to the titles, estates or circumstances under or for which such owner shall hold such lands respectively.

77.

Further provi-
sions for the
Assesment and
Applotment of
Commutation
Tithe Rents
upon Lands of
an Owner
holding under
distinct titles.

And be it also Enacted, That in cases in which any owner of any lands shall, at the time of the Commutation of Tithes in any parish, have held such lands respectively by distinct titles or for different estates, or under any other different circumstances which made the application of the last preceding Enactment necessary, but by any neglect, omission or accident separate and distinct Commutation Tithe Rents shall not have been assessed and applotted upon such lands respectively, according to the provisions of the same Enactment, the owner or owners of such lands, or any of such owners, may at any time afterwards present a memorial in writing to the Commissioners, stating the circumstances of the case, and requiring that the Commutation Tithe Rent charged in an entire sum upon such lands may be divided and apportioned upon

upon and amongst such lands according to the titles, estates or circumstances under or for which they were so holden at the time of the Commutation, or are holden at the time of presenting the memorial; and thereupon the Commissioners shall call the several parties interested before them, and shall satisfy themselves, by such means as they shall think proper, that such lands were at the time of the Commutation holden by different titles or for different estates, or under any other different circumstances which made the application of the last preceding Enactment necessary, and shall ascertain and distinguish the separate ownerships or peculiarities of such lands respectively according to the titles, estates or circumstances under or for which the same were at the time of the commutation or are at the time of presenting the memorial holden; and the Commissioners shall make out and seal and transmit to one of the Assistant Commissioners their order and certificate, specifying therein the separate ownerships or peculiarities of such lands respectively as so ascertained by them, and directing such Assistant Commissioners to divide, apportion, assess and applot the Commutation Tithe Rent, charged in an entire sum upon such lands, upon and amongst such lands respectively, according to the separate ownerships or peculiarities of such lands so specified in the order and certificate as aforesaid; and the Commissioners shall specify in the order and certificate all such other matters and things as they shall think necessary and proper for enabling the Assistant Commissioner to make such division, apportionment, assessment and applotment; and the Assistant Commissioner shall proceed upon such new order and certificate, and all the like acts, proceedings, matters and things shall and may be done, executed, observed and had under or with regard thereto, and with regard to the division, apportionment, assessment and applotment thereby directed, as regards the lands to which the same relate, and in the like manner as are and is hereinbefore directed or authorized to be done, executed, observed and had under or with regard to the original order and certificate of the Commissioners, and the assessment and applotment made in pursuance thereof.

And be it Enacted, That if at any time or times after the signing of such assessment and applotment as aforesaid several and distinct persons shall become owners of any lands which shall have been held at the time of the Commutation by the same title, and for the same estate, or under circumstances which did not make the assessment and applotment of separate and distinct Commutation Tithe Rents upon such lands necessary, and such lands shall have been charged with the payment of any entire sum as Commutation Tithe Rent, and such persons, or any *One* or more of them shall be desirous of having such Commutation Tithe Rent apportioned upon and

78.
Further provisions for the apportionment of Commutation Tithe Rents.

amongst such their respective lands, it shall be lawful for such or owners, or any *One* or more of them (they or he first giving *Twenty-eight Days* at least previous notice of his or their intention to the person for the time being entitled to such Commutation Tithe Rent and to the others or other of such owners in case all such owners shall not join in the application) to apply to the Justices of the Peace of the county, riding or division, within which such lands, or the greatest part thereof are or is situate, assembled at the Quarter or General Sessions of the Peace to be holden in and for the same county, riding or division next or next but one after the giving of such notice, and to require such Justices to divide and apportion such Commutation Tithe Rent upon and amongst such their respective lands; and thereupon it shall be lawful for the Justices at such Sessions, and they are hereby required, to divide and apportion such Commutation Tithe Rent upon and amongst such respective lands, and by an order of court to declare what parts of such entire sum are by them charged as Commutation Tithe Rent upon such the several lands of such owners respectively: Provided always, That every such apportionment shall be made with due regard to the relative value of the respective lands upon and amongst which the entire sum previously paid as Commutation Tithe Rent shall be so apportioned, such value to be estimated according to the directions and upon the principles hereinbefore expressed or referred to for estimating the proportion in value of the ownership of lands for the purposes of this Act; and a copy or transcript of such order of court, signed by the proper officer, shall, by the person or persons applying for such apportionment, some or one of them, be transmitted to the churchwardens of the parish in which the lands to which the same relates are situate, and another like copy or transcript thereof shall in like manner be transmitted to the Registrar of the diocese, to be severally kept, preserved, deposited, treated and dealt with for the purposes of evidence, inspection, and all other purposes, in manner hereinbefore expressed and mentioned of and concerning copies or transcripts of assessments and applotments of Commutation Tithe Rents; and such reasonable costs, fees and charges of court of every such application to the Court of Quarter or General Sessions as last aforesaid, as the Justices shall think proper to allow, shall be defrayed by the person or persons making the application.

79.
Act not to re-
voke or alter
Wills, Leases,
or Settlements
or to prejudice
Estates.

And be it Enacted, That nothing in this Act contained shall extend, or shall be deemed or construed to extend to revoke, alter or annul any will, lease or settlement, or to prejudice any person having any estate, right, title or interest, execution, sequestration, charge or incumbrance, of, in, to, from, out of or upon or affecting any Tithes in any parish which shall have been commuted under or by virtue of the provisions of this Act, except by substituting the Commutation

Commutation Tithe Rents charged upon the lands which were previously subject to the payment of such Tithes in lieu of such Tithes; and the Commutation Tithe Rents which shall be so charged upon such lands respectively, upon any such Commutation, shall, immediately after the same shall have been perfected, remain, continue, and be to, for and upon such and the same uses, estates, trusts, powers, intents and purposes, and subject to such and the same wills, leases, settlements, limitations, remainders, reversions, conditions, executions, sequestrations, charges and incumbrances, and to all such burthens, civil and ecclesiastical, in all respects, except as hereinbefore excepted, as the Tithes in lieu and respect of which they shall have been so charged upon such lands respectively would have stood limited, settled or subject or liable unto, in case no such Commutation of Tithes had taken place.

And be it also Enacted, That in cases in which, upon any Commutation of Tithes in any parish, all or any of the Tithes commuted shall have been treated and considered as belonging to one owner, under the same title or for the same estate, and one entire Commutation rent shall have been agreed to be given for the same to such owner, and such Tithes shall at the time of such Commutation have been in reality holden under distinct titles or for different estates, the bodies politic or persons entitled to the Commutation Tithe Rents assessed and applotted upon the lands to which the Commutation related in respect of such Tithes, or any of such bodies politic or persons, may at any time afterwards present a memorial in writing to the Commissioners, stating the circumstances of the case, and requiring that the entire Commutation Tithe Rents assessed and applotted upon such lands, in respect of such Tithes, may be divided and apportioned between the bodies politic and persons entitled to such Commutation Tithe Rents according to the titles or estates under or for which such Tithes were holden at the time of the Commutation or would have been holden at the time of presenting the memorial if no such Commutation of Tithes had taken place; and thereupon the Commissioners shall call the several parties interested before them, and shall satisfy themselves by such means as they shall think proper that such Tithes were holden under distinct titles or for different estates at the time of the Commutation, and shall ascertain and distinguish what at the time of the Commutation were, or but for the Commutation would at the time of presenting the memorial have been, the separate and distinct ownerships of such Tithes; and the Commissioners shall make out and seal, and transmit to one of the Assistant Commissioners, their order and certificate, specifying therein the separate and distinct ownerships of such Tithes as so ascertained by them, and directing such Assistant Commissioner to divide, apportion, assess and applot the entire

80.

Apportionment of Commutation Tithe Rents where Tithes treated and considered as belonging to one Owner belonged to separate Owners.

Commutation Tithe Rents charged in respect of such Tithes to and amongst the persons entitled thereto, according to the separate and distinct ownerships of such Tithes as specified in such order and certificate; and the Commissioners shall specify in the order and certificate all such other matters and things as they shall think necessary and proper for enabling the Assistant Commissioner to make such division, apportionment, assessment and applotment; and the Assistant Commissioner shall proceed upon such new order and certificate; and all the like acts, proceedings, matters and things shall and may be done, executed, observed and had under or with regard thereto, and with regard to the division, apportionment, assessment and applotment thereby directed, as regards the Commutation Tithe Rents to which the same relate, and in the like manner as are and is hereinbefore directed or authorized to be done, executed, observed and had under or with regard to the original order and certificate of the Commissioners, and the assessment and applotment made in pursuance thereof.

81.
Apportion-
ment of Tithe
Rents not to
be questioned
by reason of
mistakes or
informalities.

And be it Enacted, That any such division, apportionment, re-assessment and re-applotment of Commutation Tithe Rents as is authorized or directed to be made under or by virtue of the Enactments hereinbefore contained, shall not, after the same shall have been perfected, be impeached, questioned, disputed or invalidated in any manner whatever for or by reason of any mistake having been made in any of the proceedings relating thereto, or by reason of any informality or irregularity having been committed or having happened in any of such proceedings; and the divided or apportioned Commutation Tithe Rents which in any such case shall be assessed and applotted upon and amongst the respective lands to which such proceedings relate shall, from and after the feast day of Saint Michael the Archangel next after such proceedings shall have been completed, be payable out of such respectivelands only as shall upon such division and apportionment be charged therewith, up to which time the entire Commutation Tithe Rents previously payable shall continue to be paid out of the respective lands charged with such entire Commutation Tithe Rents.

82.
Saving of
rights of par-
ties to Tithes
not included
in the Com-
mutation.

And be it Enacted, That where upon any Commutation of Tithes in any parish any lands shall have been expressed in any memorandum of agreement for the Commutation to be, and shall have been, treated and considered as exempt from the payment of the Tithes so commuted or certain of them, or as not subject or liable to the payment of such Tithes or certain of them, to any of the Tithe Owners, parties to the agreement, or where, upon any such Commutation of Tithes, any disputes or differences whether or not certain of the lands within the parish were exempt from the payment

payment of the Tithes commuted or certain of them, or were not sub-
 ject or liable to the payment of such Tithes, or certain of them to the Tithe
 Owner or Tithe Owners, party or parties to the agreement, or any
 of them, shall have been expressed in any memorandum of agree-
 5 ment for the Commutation, and left to the determination of the
 Commissioners, and determined or decided against the Tithe
 Owner or Tithe Owners, nothing in this Act contained shall extend,
 or be deemed or construed to extend, to prejudice any estate, right,
 title, interest, claim or demand of any person whatsoever who did
 10 not, by himself or his agent, sign, or does not claim by, from,
 through, under, or in trust for, or in remainder or reversion, or
 otherwise after, any person who, by himself or his agent, signed
 such memorandum of agreement, of in or to any Tithes of such
 lands which the same lands were in such memorandum of agree-
 15 ment so expressed to be, or shall have been so determined or de-
 cided to be, exempt from the payment of, or not subject or liable
 to the payment of, to any Tithe Owner or Tithe Owners, party or
 parties to the agreement; but that every person whose estate, right,
 title, interest, claim or demand is so saved as is in and by this Enact-
 20 ment before expressed shall and may make title unto, and claim
 and demand, sue for and recover all or any of the Tithes to which
 such saving applies respectively from and against any other person,
 and may have, institute and carry on all and every such action,
 suit or other proceedings for establishing his title thereto, or
 25 recovering and enforcing payment of the same, as he might or could
 have had, instituted or carried on, and the defendant or defendants
 in or to any such action, suit or other proceedings shall and may
 have and make the same defence thereto as he or they might or
 could have had or made in case this Act had not passed, and such
 Commutation of Tithes had not taken place.

30 And be it Enacted, That where any Commutation of Tithes
 shall have been effected in any parish under the provisions of this
 Act, no action, suit or other proceedings shall be brought, instituted
 or carried on for the establishing the title to or recovering and en-
 35 forcing the payment of any Tithes in such parish, nor shall any
 exemption from the payment or non-liability to the payment of any
 Tithes, or any Composition Real or Modus in lieu and satisfaction
 of any Tithes, be set up or insisted upon in bar or opposition to the
 payment or recovery of, or in derogation from the Commutation
 40 Tithe Rents made payable under any such Commutation of Tithes;
 nor shall the Commutation Tithe Rents made payable under any
 such Commutation of Tithes be divided, apportioned, added to,
 diminished, altered, or varied in any manner, or under any pretence
 whatsoever, save and except as in such cases respectively, is ex-
 pressly authorized and provided for by the Enactments in this Act
 contained.

83.
 In parishes
 where there
 has been a
 Commutation
 of Tithes, no
 actions or
 suits to be
 brought for
 Tithes;
 nor any ex-
 emptions from,
 or non-liabili-
 ties to, the
 payment of
 Tithes, Com-
 positions Real,
 or Moduses to
 be set up in
 bar of Tithe
 Rents;
 nor Tithe
 Rents to be
 apportioned or
 varied, except
 as authorized
 by the Act.

84.
Power to give
Lands in
Commutation
for Tithes.

And be it Enacted, That where, upon any Commutation of Tithes in any parish, any owner or owners of lands shall be desirous of commuting the Tithes of all or any of his or their respective lands in such parish payable to any Tithe Owner or Tithe Owners, party or parties to the agreement for the Commutation, by giving lands in Commutation for such Tithes, and such Tithe Owner or Tithe Owners shall be willing to accept of lands in Commutation for such Tithes so payable to him or them respectively, it shall be lawful for such Tithe Owner or Tithe Owners respectively and Land Owner or Land Owners respectively to enter into an agreement to that effect; and every such agreement to be entered into under or by virtue of this Enactment shall be either incorporated into the original or supplemental memorandum of agreement for the Commutation of the Tithes of the parish, or into the Schedule or Schedules thereto, or the same may be expressed in a separate memorandum of agreement, signed by the Tithe Owner or Tithe Owners and Land Owner or Land Owners parties to the agreement, and be referred to in and by the original or supplemental memorandum of agreement; and there shall be stated and expressed in the original or supplemental memorandum of agreement, or in the Schedule or Schedules thereto, or in such separate memorandum of agreement, or in some Schedule or Schedules thereto, (as the case may be,) the parties to every such agreement so to be entered into under or by virtue of this Enactment, and the Tithes proposed and agreed to be commuted thereby, and the full and plain particulars of the lands proposed and agreed to be given in Commutation for such Tithes, and of the lands the Tithes whereof shall be so proposed and agreed to be commuted, and all other the particulars of the agreement; and the Tithe Owner or Tithe Owners and Land Owner or Land Owners, parties to every such agreement, shall agree upon and express in the memorandum of agreement for the Commutation an annual sum which such Land Owner or Land Owners shall agree shall be charged upon his or their respective lands the Tithes whereof shall be so proposed and agreed to be commuted, and which such Tithe Owner or Tithe Owners shall agree to accept as the Commutation Tithe Rent for such lands in respect of such Tithes, in case the Commissioners shall not be satisfied with the title to the lands proposed and agreed to be given in Commutation for such Tithes; and where there shall be separate memorandum of any such agreement the consent or consents to the Commutation shall expressly refer thereto, and all other the provisions of this Act applicable to original or supplemental memorandums of agreement shall be applicable to such separate memorandum of agreement, as far as circumstances and the different nature of the agreements will admit of: Provided always, That the lands so to be given in Commutation for Tithes in any case shall be freehold lands of inheritance, free from incumbrances or charges, except leases at improved rents, land tax, quit rents, fee-farm rents, or other usual outgoing, or shall be lands settled

settled or holden to for and upon the same uses, trusts, estates, interests, intents and purposes, and of the same nature and tenure, and circumstanced in the same manner in every respect, except as may regard leases at improved rents, land tax, quit rents, fee-farm rents, or
 5 other usual outgoings, as the lands in Commutation for the Tithes of which the same shall be proposed and agreed to be given.

And be it Enacted, That in every case in which any agreement shall be entered into for the Commutation of Tithes under the authority
 10 of the last preceding enactment, an abstract of the title of the Land Owner or Land Owners party or parties to such agreement to the lands proposed and agreed to be given in Commutation for Tithes, and also, if need be, of his or their title to the lands the Tithes of which shall be so proposed and agreed to be commuted, (such abstract or abstracts
 15 of title to be verified in such manner as the Commissioners shall think proper and direct,) shall be, by and at the expense of such Land Owner or Land Owners, laid before the Commissioners; and in case the Commissioners, upon the inspection and consideration of such abstract or abstracts of title, shall be satisfied that such Land Owner
 20 or Land Owners can make a good title to the freehold and inheritance in fee-simple, free from incumbrances or charges, (except leases at improved rents, land tax, quit rent, fee-farm rents or other usual outgoings,) of the lands proposed and agree to be given by him or them in Commutation for such Tithes, or that such lands so proposed and agreed
 25 to be given by him or them in Commutation for such Tithes are holden to, for and upon the same uses, trusts, estates, interests, intents and purposes, and are of the same nature and tenure, and circumstanced in the same manner in every respect, (except as may regard leases at improved rents, land tax, quit rents, fee-farm rents, or other usual outgoings,) as the lands the Tithes whereof are so proposed and agreed
 30 to be commuted, then the Commissioners shall, in their order confirming the memorandums or memorandum of agreement for the Commutation of Tithes in the parish, express themselves satisfied with the title of such Land Owner or Land Owners to the lands proposed and agreed to be given by him or them in Commutation for Tithes as afore-
 35 said, and shall direct the agreement between the Tithe Owner or Tithe Owners and such Land Owner or Land Owners in that behalf to be established and carried into execution; but if the Commissioners in any case shall not be satisfied with the title to the lands proposed and agreed to be given in Commutation for Tithes in the above particulars,
 40 they shall express such their dissatisfaction in their order confirming the memorandums or memorandum of agreement for the Commutation, and shall in such case substitute for the lands proposed and agreed to be given by the Land Owner or Land Owners in Commutation for the Tithes of his or their lands, or any of them, the annual sum which

85.

The Commissioners to be satisfied of the Title to Lands agreed to be given in Commutation for Tithes, &c.

shall have been agreed upon as the Commutation Tithe Rent in such case for such lands in respect of such Tithes, pursuantly to the directions of the Enactment last hereinbefore contained, and they shall in their order and certificate to the Assistant Commissioner, direct that such annual sum shall be and the same shall be by the Assistant Commissioner assessed and applotted upon such lands as the Commutation Tithe Rent for the same in respect of such Tithes accordingly.

86.
Conveyance
of Lands
given in
Commutation
for Tithes
to the
Tithe Owners.

And be it Enacted, That when and so soon as any agreement for the Commutation of any Tithes under or by virtue of the two last preceding Enactments shall have been directed by the Commissioners to be established and carried into execution as aforesaid, the Commissioners shall direct all such grants and conveyances to be made and executed, and such grants and conveyances shall accordingly be made and executed, by and at the expense of the owner or owners of the lands so agreed to be given in Commutation for such Tithes unto the Owner or Owners of the Tithes in Commutation for which such lands shall be so agreed to be given as the Commissioners shall think fit and approve of ; and every such grant or conveyance made or executed by or on behalf of any body politic, trustees or feoffees for charitable or other uses, or any person having a partial or limited estate or interest in the lands so granted or conveyed, or being under any other disability or incapacity whatsoever, (such body politic, trustees or feoffees, or other person being an owner or owners of lands within the meaning of this Act,) shall be legal, valid and effectual to all intents and purposes, and shall bind all parties whom, and all estates, rights and interests which, such body politic, trustees or feoffees, or other person making or executing such grant or conveyance is or are by this Act authorized and enabled to bind by a memorandum of agreement for the Commutation of Tithes established and perfected pursuantly to the provisions of this Act.

87.
Lands con-
veyed in
Commutation
for Tithes to
be holden to
the same uses,
&c as the
Tithes would
have been
holden.

And be it Enacted, That the lands so granted and conveyed in Commutation for any Tithes as aforesaid, under whatever title or for whatever estates or interests such lands shall have been previously holden, or whatever shall have been previously the nature or tenure thereof, shall, from and after the feast day of Saint Michael the Archangel next after the execution of the grant and conveyance thereof as aforesaid, be of the same nature and tenure, and be holden to for and upon such and the same uses, trusts, estates, interests, powers, intents and purposes, and subject and liable to such and the same wills, leases, settlements, limitations, remainders, reversions, executions, sequestrations, charges and incumbrances, and to all such burthens, civil and ecclesiastical, as well parochial as other, in all respects, as the Tithes in Commutation for which they shall have been given would have been or would have stood limited, settled or subject or liable unto in case no such

such Commutation had taken place; and the lands in Commutation for the Tithes, or any of the Tithes of which such lands so granted and conveyed shall have been given as aforesaid shall for ever, from and after the same feast day of of Saint Michael, be held and enjoyed
 5 absolutely exempt and discharged of and from the payment of such Tithes: Provided always, That in case any Tithes in Commutation for which any lands shall have been so granted and conveyed as aforesaid shall at the time of the Commutation have been holden under distinct titles or for different estates, such lands shall be subject to division and
 10 apportionment in the same manner and by the same means, mutatis mutandis, as any Commutation Tithe Rents made payable in respect of such Tithes would under the provisions of this Act have been subject or liable unto.

And be it Enacted, That where, after any Commutation of Tithes
 15 in any parish, any person shall be or shall become entitled to any Commutation Tithe Rents charged upon any lands of which such person shall be owner, under such circumstances as that there would be an absolute extinguishment of such Commutation Tithe Rents in case they had been rents charged upon and issuing out of such lands by
 20 virtue of any grant, and such person shall be desirous that such Commutation Tithe Rents shall be extinguished, such person may, by any deed or instrument in writing, sealed and delivered by him in the presence of *Two* or more credible witnesses, declare his mind and intention that such Commutation Tithe Rents shall be so extinguished,
 25 and the same accordingly, from and after the execution of such deed or instrument, shall be absolutely extinguished for ever; but no extinguishment of such Commutation Tithe Rents shall take place without the execution of some such deed or instrument declaring the mind and intention of the person entitled thereto in that behalf as aforesaid.

88.
Extinguish-
ment of
Commutation
Tithe Rents.

30 And be it Enacted, That where in any parish the tithes of houses, buildings, and any other hereditaments are payable generally by or at and after a certain rate or proportion in the pound, noble, or other sum of the yearly rent or value of such houses, buildings, and other hereditaments, the owner or owners of the Tithes of such houses, buildings and
 35 other hereditaments, and the owners, or two-third parts in value of the owners of such houses, buildings, and other hereditaments, may agree for the Commutation of the Tithes of the houses, buildings and other hereditaments in the parish payable generally in manner aforesaid, by the payment of an entire annual sum for the same, instead of an annual sum
 40 to be assessed and apportioned upon and amongst such houses, buildings, and other hereditaments under the provisions hereinbefore contained; and in every such case the parties to the agreement may, subject to the approbation of the Commissioners, agree upon the mode of assessing, collecting, and levying such entire annual sum, and paying the same

89.
Provisions
respecting the
Commutation
of the Tithes
of Houses.

over to the person or persons entitled thereto, and securing the payment thereof to such person or persons ; and in every such case such entire annual sum shall be subject to variation at the end of every period of *Seven Years* from the time when the payment thereof shall commence, in the like manner as the Commutation Tithe Rents assessed or applotted upon any lands under the provisions of this Act are hereby made subject to variation ; and the benefit of any exemptions from the payment of Tithes, Compositions Real, or Moduses, which may be enjoyed by any particular houses, buildings, or hereditaments in the parish, of the same description as those the Tithes whereof shall be payable generally in manner aforesaid, may be expressed in the memorandum of agreement for the Commutation, as in other cases of Commutation of Tithes under this Act ; and all and every the provisions of this Act which may be applicable to any Commutation of Tithes to be effected under this present Enactment shall be applicable and applied thereto ; and all and every the special agreements for the assessing, collecting and levying, and paying over and securing the payment of the entire annual sum agreed to be paid for the Tithes of any houses, buildings and other hereditaments under this Enactment, and all other special matters and things which shall be inserted in any memorandum of agreement for any such Commutation, with the sanction of the Commissioners, such sanction to be signified by an order to be made under their common seal, shall be as binding and effectual to all intents and purposes as if the same had been specially directed or authorized by this Act to be inserted therein.

90.
Provisions for
the Commu-
tation of the
Tithes of
Mills.

And be it Enacted, That where there shall be any corn mills subject to the payment of Tithes situate within any parish in which a Commutation of Tithes shall be proposed to be effected under the provisions of this Act, and the Tithes of such corn mills shall be payable to any owner or owners of the Tithes proposed to be commuted, either the Tithes of such corn mills respectively may be included in the Commutation, in case the Owner or Owners of the Tithes and the owners of the mills respectively can agree upon the annual sums to be assessed and applotted as Commutation Tithe Rent upon such mills respectively, or are willing to leave the amount of such annual sums to be determined by the Assistant Commissioner apart from the annual sum agreed to be given for the general Tithes proposed to be commuted, and the agreement in that behalf shall be expressed in the memorandum of agreement for the Commutation, or in some Schedule or Schedules thereto ; or otherwise the Tithes of such corn mills shall be excluded from the Commutation ; and the Assistant Commissioner to whom it shall be referred to assess and applot the annual sum agreed to be given for the general Tithes proposed to be commuted shall, in cases in which it shall be left to his determination, fix the annual sums to be assessed and applotted as Commutation Tithe Rent upon any such mills respectively ; and

and where after any Commutation of Tithes in any parish shall have taken place any new corn mill shall be erected in such parish, or any additional number of stones shall be fixed in any corn mill standing in such parish at the time of the Commutation, there shall be paid to the
5 person who but for the Commutation would have been entitled to the Tithes of such new corn mill, or of such old corn mill in respect of the additional number of stones fixed therein, a Commutation Tithe Rent or additional Commutation Tithe Rent at and after the amount of the price of bushels of wheat, bushels of barley, and
10 bushels of oats yearly for every pair of stones fixed in such new corn mill, or for every additional pair of stones fixed in such old corn mill, and all the provisions of this Act which may be applicable to the Commutation Tithe Rents made payable by virtue of this Enactment shall be applicable and applied thereto: Provided always, That
15 no Commutation Tithe Rent shall be payable for any corn mill except whilst the same shall be actually occupied and used as a corn mill.

And be it Enacted, That where in any parish any Tithes of mines, or of fisheries, fish or fishings, or mere personal Tithes, oblations and obventions are payable, the Owner or Owners of Tithes in such parish
20 entitled thereto, and the owner or owners of such mines or fisheries, or the persons subject to pay such Tithes of fish or fishings or personal Tithes, oblations and obventions or *Two-thirds* in number of such persons may, upon any Commutation of Tithes being proposed to be effected in such parish, with the sanction of the Commissioners, to
25 be signified by some order under their common seal, enter into any special agreement for the Commutation of the Tithes of such mines, fisheries, fish, fishings, or personal Tithes, oblations and obventions suited to the circumstances of the case, or otherwise such Tithes, oblations and obventions shall be excluded from the Commutation of
30 the Tithes of such parish; and all and every such special agreement, matters and things as shall, with the sanction of the Commissioners, to be signified as aforesaid, be inserted in the memorandum of agreement for the Commutation of the Tithes of such parish, or in any Schedule or Schedules thereto, touching or concerning the Commutation of the
35 Tithes to which this Enactment relates, shall be as binding and effectual to all intents and purposes as if the same had been specially directed or authorized by this Act to be inserted therein.

Provided always, and be it Enacted, That nothing in this Act contain shall extend or be construed to extend to Easter offerings, or to any fees
40 or payments in respect of marriages, christenings, churchings and burials, and other payments usually denominated surplice fees; but such Easter offerings and surplice fees shall continue to be paid, taken and enjoyed in any parish, the Tithes whereof shall have been commuted by virtue of this Act, in the same manner as if no such Commutation of Tithes had taken place.

91.
Provisions for the Commutation of the Tithes of Mines, Fisheries, and Personal Tithes.

92.
This Act not to extend to Easter Offerings or Surplice Fees.

93.
Provisions for
the sale of
buildings, and
the sites
thereof,
rendered
useless or
unnecessary
by the Com-
mutation of
Tithes.

Conveyance
thereof to the
Purchasers.

94.
Purchase
Monies to be
paid into the
Bank of Eng-
land in the
name of the
Accountant
General of the
Court of
Chancery or
Court of
Exchequer.

And be it Enacted, That if, by reason of the Commutation under the provisions of this Act of the Tithes of any parish, any barns or other buildings belonging to any body politic, aggregate or sole, trustees or feoffees to charitable or other uses, or other owners having limited or partial estates or interests therein, and which previously to any such Commutation shall have been generally used and appropriated for the housing of Tithes paid in kind, shall be rendered in the whole or in part useless or unnecessary, it shall be lawful for every and all such body politic, trustees, feoffees or other owners (with the consent, nevertheless, of the Commissioners, to be signified under their common seal,) to pull down, or cause or authorize to be pulled down, any such barns or other buildings, or any parts or part thereof, and to sell and dispose of the materials thereof, either after the same shall have been so pulled down as aforesaid, or whilst the same shall be standing, and also (in any cases in which it may be deemed more expedient) to sell and dispose of all or any of such barns or other buildings, and the site or sites thereof, and either with or without any farm-houses or farm buildings, farm-yards or homesteads attached and adjoining to such barns or other buildings, or to which such barns or other buildings belonging, or any part or parts of such hereditaments and premises, and to make all or any of such sale or sales as aforesaid, either by public auction or by private contract, or partly in each mode, to any person or persons willing to become the purchaser or purchasers thereof, for such price or prices as shall seem reasonable; and upon payment of the consideration money to be given for such barns, houses, buildings, sites, farm-yards or homesteads, with the appurtenances, or any parts or part thereof, or for the materials of any such barns or other buildings so authorized to be sold as aforesaid, or any parts or part thereof, in manner hereinafter mentioned, it shall be lawful for every such body politic, or such trustees or feoffees or other owners as aforesaid (with such consent as aforesaid), to grant, convey or assure, assign or deliver the hereditaments and premises or materials which shall be so from time to time sold as aforesaid to the purchaser or purchasers thereof, his or their respective heirs, executors, administrators and assigns respectively, or to such use or uses and in such manner as such purchaser or purchasers respectively shall direct.

And be it Enacted, That the monies to arise by such sale of all or any part of the said barns and other buildings, and other hereditaments and premises and materials hereby made saleable, shall be paid by the respective purchasers thereof into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery, or of the Accountant-General of the Court of Exchequer at Westminster, to be placed to his account ex parte the particular body politic, trustees or feoffees, or other owners, from the sale of the hereditaments and premises or materials belonging to which or to whom the same shall have arisen.

And

And be it Enacted, That the certificate or certificates of the Accountant-General of such respective Courts as aforesaid, together with the receipt or receipts of one of the Cashiers of the Bank of England to be thereto annexed, and therewith filed in the Register Office or other proper office of the Court of Chancery or Court of Exchequer, of the payment into the Bank of England, by any person or persons, of any money by this Act directed to be so paid, shall from time to time be a sufficient discharge to the person or persons paying the same, and to his or their heirs, executors, administrators and assigns, for the money for which such certificate or certificates and receipt or receipts as aforesaid shall be respectively given; and after the filing of such certificate or certificates and receipt or receipts as aforesaid, such person or persons, and his or their respective heirs, executors, administrators and assigns, shall be absolutely discharged from the same money, and shall not be answerable for any loss, misapplication or non-application thereof, or any part thereof.

95.
The Certificate of such Accountant General, and the receipt of one of the Cashiers of the Bank, to be a discharge to the persons paying the money.

And be it Enacted, That all monies which shall be paid into the Bank of England, in the name of the Accountant-General of the Court of Chancery, or the Accountant-General of the Court of Exchequer, pursuant to the provisions herein contained, shall immediately upon payment thereof, by order of the Court, be invested and laid out from time to time in the purchase of Three pounds per centum Consolidated Bank Annuities or Three pounds per centum Reduced Bank Annuities, in the name of the Accountant-General, to an account ex parte the body politic, trustees or feoffees or other owners, from the sale of the hereditaments and premises or materials belonging to which or to whom such monies shall have arisen; and the dividends and interest arising therefrom shall from time to time, by order of such Court, be paid to such body politic, trustees or feoffees, or other owners, to whom the rents and profits of the hereditaments and premises which, or the materials of which, shall have been so sold, would for the time being have been payable if no such sale had been made.

96.
Investment of the monies.

And be it Enacted, That it shall be lawful for the Court of Chancery and for the Court of Exchequer respectively, from time to time upon a petition to be preferred in a summary way by the body politic, trustees or feoffees, or other owners for the time being entitled to the dividends and interest of the said funds and securities, to order the sale of all or any part of the said funds or securities which shall for the time being be standing in the name of the Accountant-General of the said respective Courts to the account aforesaid, and to order all or any part of the money produced by any such sale to be laid out and applied in the redemption of any land tax charged upon, or in the discharge of any other incumbrance affecting, any lands or other hereditaments belonging to any such body politic, trustees or

Payment of the Dividends to the Body Politic or Party who would have been entitled to the rents and profits of the hereditaments or materials sold if no sale had been made.

97.
The monies to be laid out in the redemption of Land-tax, discharge of Incumbrances and purchase of Lands.

feoffees, or other owners, which shall stand limited and subject to the like uses to which the hereditaments hereinafter authorized or directed to be purchased with the residue or surplus of the monies to be produced from the sale of the said funds or securities are hereinafter directed to be conveyed and assured; and to order the residue or surplus of the money produced by any such sale of the said funds or securities, or the whole thereof if no such land tax shall be ordered to be redeemed and no such incumbrances shall be ordered to be discharged, to be laid out in the purchase of freehold manors, lands or hereditaments of an estate of inheritance in fee simple, free from all incumbrances and charges, except leases at improved rents, land tax, quit rents, fee-farm rents, or other usual outgoings, to be situate as conveniently as may be for enjoyment by the body politic, trustees or feoffees, or other owners or parties, from the sale of the hereditaments belonging to which or to whom, or the materials thereof, such monies shall have arisen; and all such manors, lands and hereditaments shall be thereupon conveyed and assured to such uses and in such manner as the hereditaments or the materials thereof from the sale of which such monies, funds and securities shall have arisen, would have stood limited and assured in case the same had not been so sold as aforesaid, or as near thereto as circumstances will then admit of.

98.

Payment and application of the Purchase Monies when they do not exceed 200 £.

Provided always, and be it Enacted, That in cases in which it shall be made to appear to the Commissioners that the monies to arise by the sale of any barns, buildings, hereditaments and premises, and materials, under the provisions hereinbefore contained, are not likely altogether to exceed the sum of *Two hundred Pounds*, the Commissioners may, if they think fit, by an order under their common seal, direct the monies to arise by the sale of such barns, buildings, hereditaments, premises and materials, or any of them, to be paid by the respective purchasers thereof to the body politic, trustees or feoffees, or other owners to whom such barns, buildings, hereditaments and premises, and materials belong, or to some fit person or persons to be appointed by the Commissioners to receive the same, to and for the use and benefit of such body politic, trustees or feoffees, or other owners; and in all such cases the receipts of such body politic, trustees or feoffees, or other owners, or of the person or persons appointed to receive the same, shall be sufficient discharges to the purchaser or purchasers, and to his or their heirs, executors, administrators and assigns, for the monies for which such receipts shall be respectively given, and such purchaser or purchasers, and his or their respective heirs, executors, administrators and assigns, shall not be answerable for any loss, misapplication or non-application thereof or any part thereof; and such monies, when so paid, and the funds or securities upon which the same may be invested, and the dividends and interest and produce of the sale of such funds or securities shall be laid out, invested and applied by such body politic, trustees or feoffees, or other owners, or by the person or persons appointed

pointed to receive the same, in the same manner, or as nearly in the same manner as circumstances will admit of, as is hereinbefore directed with regard to the monies arising from the like sales, which shall be paid into the Bank of England under the provisions hereinbefore contained; and the funds or securities upon which such last-mentioned monies may be invested, and the dividends, interest and produce of the sale of such last-mentioned funds or securities.

And be it Enacted, That the reasonable costs, charges and expenses of any such bodies politic, trustees or feoffees, or other owners as aforesaid, in or about the sale of any barns, buildings, hereditaments and premises, and materials, to be made under the provisions hereinbefore contained, and in or about the subsequent investment and application of the monies arising from the sale of the funds or securities in which the same may be invested, and of the produce of the sale of such funds or securities, or relating thereto, shall and may be allowed and paid to such body politic, trustees or feoffees, or other owners, out of such monies, or out of the produce of the sale of the funds or securities upon which the same may be invested.

99.
Provision for the payment of the Costs and Expenses of such Sales.

And be it Enacted, That all conveyances to be made under the provisions of this Act by or to any ecclesiastical body or bodies politic, whether aggregate or sole, of any tithe barns or other buildings, manors, lands or other hereditaments, whether by way of sale or purchase, or in Commutation for Tithes, and all deeds or instruments declaratory of the extinguishment of Commutation Tithe Rents to be executed by any such ecclesiastical body or bodies politic, shall be registered in the Episcopal Registry of the Bishop of the Diocese within which the body or the dignity, office or ecclesiastical benefice, the possessor or incumbent of which shall be interested under such conveyances, shall be situate, in a book or books to be kept for that purpose by the Registrar of the Diocese; and such Registrar shall be paid for every such registry the fees following; (that is to say) for every such conveyance or deed or instrument in writing constituting the same, having thereon a certificate of its registration subscribed by such Registrar or his Deputy, where the same shall not contain more than *Twenty folios of Seventy-two words each*, the Sum of *Five Shillings* and no more, and where the same shall exceed *Twenty* such folios, the further sum of *Three-pence* for every folio above the first *Twenty* folios; and the like fees shall be paid to the said Registrar for every copy of any deed, instrument or writing which shall be so registered, having a certificate thereon subscribed by the said Registrar or his Deputy of the same being a true copy, which copy and certificate such Registrar or his Deputy is hereby required to give on payment of such fees as aforesaid; and the copy of any deed, instrument or writing so to be registered and having thereon such certificate as aforesaid, and the handwriting of such

100.
Conveyances by or to Ecclesiastical Bodies to be registered.

Registrar or his Deputy being duly proved, shall be admitted as evidence by all Judges, Justices and others.

101.
Sequestra-
tions, Extents,
&c. not to
hinder the
Commutation
of Tithes, who
in such cases
to be con-
sidered
Owners.

And be it Enacted, That in case any Tithes, or any lands the Tithes or any of the Tithes of which, shall be proposed to be commuted under the provisions of this Act, shall, at the time of the entering into and signing any memorandum of agreement for the Commutation of such Tithes, or at any subsequent time whilst the proceedings thereon shall be in progress, be in the possession of any person under or by virtue of any sequestration, extent, elegit, fieri facias, or other writ of execution, or any person shall under any such proceedings or writ be in the receipt of the rents and profits of any such Tithes or Lands, the person who but for such proceedings or writ would have been entitled to the possession or receipt of the rents and profits of such Tithes or Lands respectively shall be considered the owner thereof for the purposes of the Commutation; and the consent or concurrence of any such person as first aforesaid, in respect of his possession or receipt of the rents and profits of such Tithes or Lands by virtue of any such sequestration, extent, elegit, fieri facias, or other writ of execution, or in respect of his estate or interest under the same, shall not, unless the Commissioners think fit in any case to require it, be necessary or requisite to such Commutation, nor shall any proceedings in relation to such Commutation be suspended, delayed, hindered, prevented or affected by or by reason of any such sequestration, extent, elegit, fieri facias, or other writ of execution, or by or by reason of any seizure, possession, entry or receipt of rents and profits under or by virtue of the same.

102.
Receiver
under the
authority of
a Court of
Equity.

Provided always, and be it Enacted, That in all cases in which any receiver or other officer shall be in the possession or receipt of the rents and profits of any Tithes or Lands under the authority of any Court of Equity, and some of the parties to the suit in which such receiver or other officer shall have been appointed would but for such appointment have been the Owner or Owners of such Tithes or Lands within the meaning and intent of this Act, such Court may order and empower such receiver or other officer to sign any original or supplemental memorandum of agreement for the Commutation of such Tithes, or for the Commutation of the Tithes to the payment of which such lands shall be subject, or any of them, under the provisions of this Act; and after any such original or supplemental memorandum of agreement shall have been so signed by any such receiver or other officer under the authority and by the order of the Court, such receiver or other officer shall for all the purposes of this Act be deemed to be the Owner of the Tithes or Lands of which he shall so be in the possession or receipt of the rents and profits, and in respect of which he shall have so signed such original or supplemental memorandum of agreement; and all acts, matters and things by this Act authorized or directed to be

be done or performed to, by or with relation to owners of Tithes or Lands may in all such cases, after such signature by such receiver or other officer, be lawfully or effectually done or performed to, by or with relation to such receiver or other officer, without any further order
 5 or authority of or from the Court being required in that behalf.

And be it Enacted, That in cases in which any number of persons shall be joint tenants, or tenants in common, or tenants in coparcenary at the common law, or by the custom of gavelkind in Kent, or any other custom of any lands situate in any parish the Tithes or any of
 10 the Tithes of which shall be proposed to be commuted under the provisions of this Act, and some of such persons shall be willing to join in such proposed Commutation of Tithes, but others of such persons shall not be willing to join therein, the joint tenants, tenants in common, or coparceners who shall be willing to join in such proposed Commutation
 15 of Tithes may enter into and sign the original or supplemental memorandum of agreement for carrying the same into effect, without the others of such joint tenants, tenants in common, or coparceners entering into and signing the same; and in such case the proportion or share only of such lands which belongs to the joint tenants, tenants in com-
 20 mon, or coparceners who shall sign such original or supplemental memorandum of agreement shall be taken into account in estimating the *Two-third* parts in value of the owners of lands whose signature shall be necessary to giving validity to such original or supplemental memorandum of agreement; and whenever else any part or proportion in value of the
 25 owners of lands shall be to be estimated under the provisions herein contained, for the purpose of giving validity to any Act, the proportion or share only of any lands which belongs to any joint tenants, tenants in common, or coparceners, who shall do or concur in doing such Act, shall be taken into account in estimating such part or proportion in value.

103.
 When Owners of Land are joint tenants, tenants in common, or coparceners.

And be it Enacted, That in all cases in which the ownership of any Tithes or Lands to which the provisions of this Act are intended to apply shall be vested in the Crown, the First Commissioner for the time being of His Majesty's Woods, Forests, Lands, Revenues, Works and Buildings shall for the purposes of this Act be substituted in the
 35 place of the Crown; or in case such Tithes or Lands shall be vested in the Crown in right of the Duchy of Lancaster or of the Duchy of Cornwall, then the Chancellor of the Duchy of Lancaster, or the first officer of the Duchy of Cornwall entitled to grant leases under an Act of his late Majesty, intituled, "An Act to enable His Majesty to make
 40 Leases, Copies and Grants of Offices, Lands and Hereditaments, Parcel of the Duchy of Cornwall, or annexed to the same," as the case may be, shall be substituted in the place of the Crown as aforesaid; and all such acts, matters and things as are hereby authorized or directed to be done and performed to, by or in relation to Owners of Tithes or Lands may in all such cases, as regards the Tithes and Lands vested in the

104.
 Where the ownership of Tithes or Lands is in the Crown.

Crown as aforesaid, be lawfully and effectually done and performed to, by or in relation to such Commissioner, Chancellor, or officer respectively on behalf of the Crown.

105.
Where the
King is Patron.

And be it Enacted, That in all cases in which the patronage, nomination or gift of any ecclesiastical benefice, office, or dignity to which the provisions of this Act shall extend shall be in the Crown, and such benefice, office or dignity shall be above the yearly value of *Twenty* Pounds in the King's books, the consent of the Crown and all other acts hereby authorized and directed or necessary to be done to, by or in relation to the Crown respecting such benefice, office or dignity shall be signified or done to, by or in relation to the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; but if such benefice shall not exceed the yearly value of *Twenty* Pounds in the King's books such consent shall be signified and such acts done to, by or in relation to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal for the time being; and if such benefice, office or dignity shall be within the patronage, nomination or gift of the Crown in right of the Duchy of Lancaster, then such consent shall be signified and such acts done to, by or in relation to the Chancellor of the said Duchy for the time being.

106.
Owners of
Tithes or
Lands, patrons
or other persons,
being minors, idiots,
lunatics, feme
covert, beyond
the seas, or
under other
disabilities,
guardians, &c.
substituted
for them.

And be it Enacted, That if any Owner of Tithes or of Lands, or any patron of any ecclesiastical benefice, or any other person, to, by or with relation to whom any act, matter or thing is by this Act authorized or directed to be done, performed, made, or executed, or to or with relation to whom the provisions of this Act are intended to apply, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other disability or incapacity whatsoever, then and in every such case the guardian, trustee, committee of the estate, husband, attorney or agent respectively of such owner, patron or other person, shall for all the purposes of this Act be substituted for and in the place of such owner, patron or other person; and all acts, matters and things which are hereby authorized or directed to be done, performed, made or executed to, by or with relation to such owner, patron or other person respectively shall be to all intents and purposes lawfully and effectually done, performed, made and executed to, by or with relation to the person so substituted in his or her place as aforesaid.

107.
Any person
sustaining
more than one
of the characters
of Tithe
Owner, Patron
and Land
Owner may
act in all or
any of the
characters he
sustains.

And be it Enacted, That in cases where the same person shall be Owner of any Tithes, patron or party whose consent is requisite to the Commutation of such Tithes, and owner of any lands subject to the payment of such Tithes, or shall sustain any more than one of such characters, every such person shall and may act in all and every or any of the respective characters which he shall so sustain, and perform and do all and every or any such acts as shall be required to be done by him, or as he is hereby authorized to do or concur in, in all and every or any

of

of such respective characters which he shall so sustain, as fully and effectually as different persons, each sustaining one of such characters only, might perform and do the same.

And be it Enacted, That all acts, matters and things which by this
 5 Act are authorized or directed to be done, executed or performed by any Assistant Commissioner shall and may (in all cases in which the Commissioners may deem it expedient) be done, executed and performed by any *One* or more of the Commissioners; and also that it shall be lawful for the Commissioners, in all cases in which they in their
 10 judgment may deem it expedient, to associate *Two* or more Assistant Commissioners in doing, executing or performing any acts, matters or things which by this Act are authorized, directed or required to be done, executed or performed by an Assistant Commissioner.

108.
 Power to the Commissioners to act as Assistant Commissioners;

and also to associate two or more Assistant Commissioners to act together.

And be it Enacted, That where, upon the Commutation of Tithes
 15 in any parish, all the owners of lands in the parish either shall have agreed to give lands in Commutation for the Tithes of their respective lands, or shall have agreed upon the annual sums to be charged upon their respective lands as Commutation Rent for the Tithes thereof, to be paid to the Tithe Owner or Tithe Owners, party or parties to the
 20 agreement, so that no assessment and applotment of any Commutation Rent upon and amongst the lands of such land owners by an Assistant Commissioner shall be necessary, the Commissioners shall in every such case, if they approve of the Commutation, by their order under their common seal, declare and express all the particulars of and shall con-
 25 firm the same; and they shall by such order charge the lands of such land owners respectively with such Commutation Tithe Rents (if any) as they shall have respectively so agreed to be charged thereon; and such Commutation of Tithes shall thereupon be considered as perfected; and such lands shall become subject and liable to the payment of such
 30 Commutation Tithe Rents in the like manner and with all the like matters incident thereto as if the same had been assessed or applotted on such lands by an Assistant Commissioner under the provisions hereinbefore contained; and the Commissioners in every such case shall send one copy of such their order to the churchwardens of the parish
 35 to which the same relates, and another copy thereof to the Registrar of the diocese, and such copies shall be kept, preserved, deposited, treated and dealt with for the purposes of evidence, inspection and all other purposes in manner hereinbefore directed and mentioned of and concerning copies or transcripts of assessments and applotments of Com-
 40 mutation Tithe Rents made by an Assistant Commissioner.

109.
 When all the Land Owners in a Parish agree to give Lands in Commutation for Tithes, or agree upon the sums to be charged as Commutation Rent on their respective lands, the Commissioners shall make an Order declaring the particulars of the Commutation.

Copies of the order to be sent to the churchwardens of the parish and to the registrar of the diocese.

And be it also Enacted, That all such applications as any person is hereinbefore authorized and directed to make, by memorial to be presented to the Commissioners for the purposes hereinbefore in that

110.
 Memorials to whom to be presented after the powers of the Commissioners have expired.

behalf expressed, shall and may, after the powers and authorities of the Commissioners to be appointed by His Majesty and the Lord Archbishop of Canterbury to carry this Act into execution shall expire, be made by petition in a summary way to the High Court of Chancery or Court of Exchequer, or to the Chief Baron of the Court of Exchequer for the time being, or to the Baron of that Court for the time being, nominated and appointed by His Majesty to hear and determine causes, matters and things depending in that Court as a Court of Equity, and thereupon the Court of Chancery or Court of Exchequer, the Chief Baron or Baron of that Court, nominated and appointed as aforesaid, shall be invested with, and shall and may, as regards the matter of such petition, have and exercise all the powers and authorities given to or vested in the Commissioners under this Act, and shall and may appoint any fit person or persons to act as Assistant Commissioner or Assistant Commissioners in the matter of such petition, with all the same powers and authorities as are hereby given to Assistant Commissioners appointed by the Commissioners under this Act; and all the like acts, proceedings, matters and things shall and may be done, executed, observed and had under or with regard to such petition and the matter thereof, and in the like manner, mutatis mutandis, as is hereinbefore directed or authorized to be done, executed, observed and had under or with regard to the memorial in the place of which such petition is hereby substituted; and all other acts, matters and things by this Act authorized or directed to be done by the Commissioners which may be necessary or requisite to be done, after the powers and authorities of the Commissioners to be appointed by His Majesty and the Lord Archbishop of Canterbury shall expire, shall and may be done by or under the authority of the High Court of Chancery or Court of Exchequer, or Chief Baron or other such Baron of the same Court for the time being as aforesaid.

Acts authorized to be done by the Commissioners, by whom to be done after the powers of the Commissioners have expired.

111.
Proceedings under this Act not to abate by the death or cession or change of estate or interest of parties.

And be it Enacted, That the proceedings under any memorandum of agreement for the Commutation of Tithes to be entered into under or by virtue of this Act, or any proceedings arising out of or having relation to any such Commutation before the same shall be perfected, shall not abate, cease or be affected by reason of the death or cession, or change of estate or interest of any person whatsoever being a party to any such memorandum of agreement, or who shall have given any consent thereto, or by reason of the death or cession, or change of estate or interest of any other person whatsoever interested in any such Commutation or being a party to or interested in any such proceedings, but such proceedings shall go on and be continued as if all such parties and persons were living, or filled the same character, or had the same estate or interest in the premises, as they filled or had at the time of the signing of such memorandum of agreement, or at any times or time afterwards.

And

112.

Copies of
Records, &c.
to be admis-
sible in evi-
dence.

And be it further Enacted, That in all proceedings before the Commissioners or any Assistant Commissioner, and in all actions at law for the trial of any issue or issues, or upon the argument of any case under the provisions of this Act, copies of records, charters, endowments, deeds, terriers, or other instruments, books, papers and writings preserved and kept in any Court of Law or of Equity, or in any Ecclesiastical Court, or in any other public office or public depository for writings, or copies of any extracts therefrom, respectively signed by the officer having the custody of the same, shall and may be produced and given and received in evidence, if the Commissioners or Assistant Commissioner, or Court or Judge before whom the same shall be produced, or who shall preside upon the occasion shall see fit, as fully and effectually to all intents and purposes as the original records, charters, endowments, deeds, terriers or other instruments, books, papers and writings of which or of extracts from which they purport to be copies, might or could have been if produced by such officer.

113.

This Act not
to alter or re-
voke any of
the provisions
of the Act
2 & 3 W. 4.
c. 100.

And be it Enacted, That nothing in this Act contained shall extend or shall be deemed or construed to extend to alter or revoke any of the provisions contained in an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for shortening the time required in Claims of Modus decimandi or Exemption from or Discharge of Tithes," but all and every the provisions of the said Act, so far as the same may be applicable, shall be applicable unto and shall be observed in all proceedings under this Act, and in all matters and things relating thereto.

114.

The Commis-
sioners or
Assistant
Commissioner
may award
Costs to be
paid upon the
determination
of any dispute
or difference
or claim.

And be it Enacted, That in case the Commissioners or any Assistant Commissioner shall, upon hearing and determining any such dispute, difference or claim as they or he are or is hereinbefore authorized and directed to hear and determine, see cause to award costs on either side, they or he are or is hereby empowered, upon application made to them or him for that purpose, to assess and order such costs and charges as they or he shall think reasonable to be paid to the person in whose favour any such determination shall be made, by the person against whom the same shall be made; or in case any Assistant Commissioner shall, upon hearing any such objection as he is hereinbefore authorized and directed to hear and report upon, be of opinion that such objection or the opposition thereto is ill-grounded, he is hereby empowered, if he shall see fit, upon application made to him for that purpose, to assess and order such costs and charges as he shall think reasonable to be paid by the person whose objection, or whose opposition to any objection, such Assistant Commissioner shall so think ill-grounded, to the opposite party; and in case the person who shall be ordered to pay such costs and charges shall neglect or refuse to pay the same on demand, it shall be lawful for the Commissioners or Assistant Commissioner awarding

the same, and they or he are or is hereby authorized and required, by warrant under their or his hands and seal or hand and seal, directed to any person or persons whomsoever, to cause such costs and charges to be levied by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same, rendering the overplus of the money produced by such sale (if any) upon demand, to the person whose goods and chattels shall have been distrained and sold, after deducting the costs and charges attending such distress and sale.

115.
Costs of
Issues and of
Cases stated.

And be it Enacted, That the costs of any action which shall be brought for the trial of any issue or issues, or of the statement of any case for the opinion of a court of law or equity, and obtaining a decision thereon, under the provisions of this Act, shall be in the discretion of the court in which the action shall be brought or to which the case shall be sent, and shall and may be taxed by the proper officer of the court, and be recovered as in cases of costs of actions or suits brought in such court.

116.
Costs and
Expenses of
the Commu-
tation of
Tithes to be
paid by the
Land Owners.

And be it Enacted, That all the costs, charges and expenses of and incident to the preparing, making and completing the memorandums or memorandum of agreement for the Commutation of Tithes, and the necessary consents thereto, and of preparing, making, completing and depositing the assessment and applotment, and the transcripts thereof, and all allowances to and expenses of surveyors, valuers and witnesses, and the costs, charges and expenses incident to and attending the hearing and determining of such objections, disputes, differences and claims as aforesaid, except where the same shall have been ordered to be paid by any of the parties to such objections, disputes, differences and claims by virtue of the provisions hereinbefore in that behalf contained, and all other the expenses incident to the effecting and perfecting a Commutation of Tithes under this Act, which the Assistant Commissioner shall think fit to allow, (except as aforesaid, and except the costs and expenses hereinbefore authorized to be paid out of the Fund,) shall in each case be settled and ascertained by the Assistant Commissioner, and shall be borne and paid by the owners of the lands which were subject to the payment of the Tithes in or about the Commutation of which the same shall have been expended, disbursed or incurred, and in such manner and at such times, and by such persons, and in such shares and proportions, under the circumstances of each case, as the Assistant Commissioner shall from time to time by his order or orders in that behalf direct and appoint; and in case any person or persons shall neglect or refuse to pay his or their proportion or proportions of such costs, charges and expenses and other payments in manner aforesaid, it shall be lawful for the Assistant Commissioner in each case, and he is hereby required to cause the same to be levied in the manner in which costs and charges awarded upon the hearing and determining of disputes,

How to be
levied.

397

disputes, differences and claims are hereinbefore authorized and required to be levied : Provided always, That all costs, charges and expenses, and payments of and incident to every such Commutation of Tithes as aforesaid, other than such the payment whereof is expressly ordered, directed, authorized or provided for by this Act, shall be borne and paid by the party or respective parties by whom the same shall be incurred.

And be it Enacted, That in case any churchwarden shall refuse or neglect to do or perform any act, matter or thing which he is by this Act required to do or perform, every such churchwarden so offending shall forfeit and pay for every such offence such sum of money not exceeding the sum of *Twenty* Pounds, as the Commissioners shall upon hearing and determining such offence think fit and order; and such sum of money or penalty shall be paid to the Commissioners, or to any Assistant Commissioner or other person whom they shall appoint to receive the same, and shall be applied towards defraying the costs, charges and expenses of the Commutation of the Tithes of the parish in relation to which such refusal or neglect shall have happened; and in case any churchwarden who shall be ordered to pay any such penalty shall refuse or neglect to pay the same on demand, the same shall and may be levied by the Commissioners in the same manner as costs and charges awarded by the Commissioners are hereinbefore authorized and directed to be levied.

117.
Penalty on Church-wardens refusing or neglecting to act.

And be it Enacted, That no action or suit shall be commenced against any Commissioner, Assistant Commissioners, Justice of the Peace, or any other person for any thing done in pursuance of or under the authority of this Act, until *Twenty-one* Days' notice has been given thereof in writing to the party or parties against whom such action or suit is intended to be brought, nor after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, nor after *Three* calendar Months shall have expired from the commission of the act for which such action or suit shall be so brought; and every such action shall be brought, laid and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before *Twenty-one* Days' notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or shall be laid in any county or place other than as aforesaid, then the Jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such

118.
Notice of Actions and Suits against Commissioners, Assistant Commissioners, Justices, &c.
Tender of Amends.
Actions not to be brought after three calendar months.
Venue.
General Issue.

Verdict, &c.

action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs, charges and expenses, as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by law.

5

119.

No order or proceedings under this Act to be quashed for want of form, or to be removed by Certiorari.

And be it further Enacted, That no order, adjudication or proceeding made or had by or before the Commissioners or any Assistant Commissioner, or any Justice or Justices of the Peace, or other person or persons under the authority of this Act, touching or concerning any of the matters in or by this Act contained, authorized or directed, nor any proceedings to be had touching or concerning any offender or offenders against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

15

120.

Letters and Packets relating exclusively to the execution of this Act to be free from Duty of Postage. Regulations in that behalf.

And be it Enacted, That the Commissioners shall and may receive and send by the General Post from and to places within England and Wales all letters and packets relating solely and exclusively to the execution of this Act, free from the duty of postage : Provided that such letters and packets as shall be sent to the Commissioners be addressed to the " Tithe Commutation Commissioners" at their office in London, and that all such letters and packets as shall be sent by the Commissioners shall be in covers, with the words " Office of Tithe Commutation Commissioners" printed on the outside thereof, and shall be signed under such words with the name of some person whom the Commissioners, with the consent of the Lords Commissioners of the Treasury, or any *Three* or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the Secretary of the General Post Office in London,) and shall be sealed with the seal of the Commissioners, and under such other regulations and restrictions as the said Lords Commissioners, or any *Three* or more of them, shall think proper and direct ; and the person so to be authorized is hereby strictly forbidden so to subscribe or seal any letter or packet whatsoever except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this Act ; and if the person so to be authorized, or any other person, shall send, or cause or permit to be sent, under any such cover, any letter, paper or writing, or any enclosure, other than what shall relate to the execution of this Act, every person so offending shall forfeit and pay the sum of *One hundred Pounds*, and be dismissed from his office ; one moiety of the penalty to the use of His Majesty, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at Westminster,

40

Penalty.

minster ; and if any letter, paper, or writing, or other enclosure, shall be sent under cover to the Commissioners, the same not relating solely or exclusively to the execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rate of postage.

And be it Enacted, That no appointment, order, agreement, advertisement, certificate, assessment, applotment, apportionment, valuation, transcript, copy, conveyance, assignment, deed, or other instrument or paper whatsoever, to be made, signed or executed or published under the provisions of this Act, (except conveyances, assignments and assurances upon the sale or purchase of any buildings, lands, or hereditaments,) shall be subject to any ad valorem or other stamp duty whatsoever imposed by any Act or Acts now in force, or to any ad valorem or other Stamp Duty which may hereafter be imposed by any future Act or Acts, unless the same shall be by any such Act or Acts especially subjected thereto ; and all notices or other matters by this Act required to be inserted in the London Gazette shall be inserted therein without any charge being made for the same.

121.
Agreements, advertisements and other instruments made, &c. under the provisions of this Act, to be free from Stamp Duty.

And be it Enacted, That this Act may be altered, amended or repealed by any Act or Acts to be passed during this present Session of Parliament.

122.
Act may be altered, amended or repealed during the present Session of Parliament.

Tithes Voluntary Commutation.

A

B I L L

For facilitating the Commutation of Tithes
in England and Wales.

(*Prepared and brought in by*
Sir Robert Peel and Mr. Goulburn.)

Ordered, by The House of Commons, to be Printed,
11 March 1836.

A

B I L L

For the Abolition of Personal Tithes.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

5 **B**E it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all Personal Tithes, except the Tithes of Mills and of Fishing, shall cease to be payable.

1.
Personal
Tithes (except
the Tithes of
Mills and
Fishing)
abolished.

10 And be it Enacted, That the Tithe Commissioners of England and Wales shall, as soon as conveniently may be after the *passing of this Act*, cause an inquiry to be made into the nature, extent and value of all Tithes of Fish and Fishing which by law or custom are due and rendered in any part of England and Wales, and shall report thereon from time to time to His Majesty, under their hands and seals; and every such Report shall be laid before Parliament within *Six* Weeks after it shall have been received, if Parliament be then sitting, or within *Six* Weeks next after the next meeting of Parliament.

2.
Tithe Com-
missioners to
make a Report
on the value
of Tithes of
Fish and
Fishing.

20 And be it Enacted, That for the purpose of enabling the Commissioners to report as aforesaid, they and every Assistant Tithe Commissioner shall have all the powers, with regard to compelling the attendance of Witnesses, and calling for answers and returns, and examining persons upon oath, and causing to be produced books, deeds, contracts, agreements, accounts and writings, terriers, maps, plans and surveys, or copies thereof respectively, in anywise relating to the Tithes of Fish or Fishing in any part of England and Wales, which are given to the said Tithe Commissioners by an Act passed in this Session of Parliament, intituled, "An Act for the Commutation of Tithes in England and Wales," with respect to any matter brought before them under the provisions of the recited Act.

3.
Power of
Tithe Com-
missioners
extended to
inquiries un-
der this Act.

Personal Tithes Abolition.

A

B I L L

For the Abolition of Personal Tithes.

(Prepared and brought in by
Lord John Russell and Mr. Chancellor of the
Exchequer.)

*Ordered, by The House of Commons, to be Printed,
30 June 1836.*



(Ireland.)

A

B I L L

To suspend Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by an Act passed in the third and fourth years of His Majesty's reign, intituled, "An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled, 'An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent,' " it is amongst other things enacted, that it should be lawful for any person entitled to any Tithes arising out of Lands in Ireland, for the years One thousand eight hundred and Thirty-one, One thousand eight hundred and Thirty-two, or One thousand eight hundred and Thirty-three, to make application to the Lord Lieutenant, praying relief under the said Act in respect of such Tithes; and it is further enacted, that such application should be made by a Memorial, with a Schedule thereto annexed, setting forth such particulars as in the said Act are in that behalf mentioned; and it is by the said Act further enacted, that the said Memorial and Schedule amended, as therein is mentioned, should be transmitted in manner therein mentioned to the Lord Lieutenant, who should thereupon authorize and direct such sum to be advanced to such Memorialist as should appear by the said Memorial and Schedule to be due and owing to him on account of the Tithes therein included; and it is thereby further enacted, that the said Lord Lieutenant should cause every such original Memorial

Preamble.

and

and Schedule, together with a Certificate under his hand of the amount of the advances so made to the Memorialist, to be lodged in the Office of the Remembrancer of the Court of Exchequer in Ireland, and that the amount stated in each such Certificate to have been so advanced should be repaid by five equal instalments, the first thereof to be made on the First day of November One thousand eight hundred and Thirty-four, and one of the four remaining instalments on the First day of November in each of the succeeding four years, in the manner and subject to the conditions recited in the said Act : 5

And whereas, under the powers contained in the said Act, advances to a large amount have been made to parties entitled to Tithes arising out of Lands in Ireland for the said years One thousand eight hundred and Thirty-one, One thousand eight hundred and Thirty-two, and One thousand eight hundred and Thirty-three : 10

And whereas it may be expedient not to enforce immediate payment from the parties to whom such advances have been made of the several instalments which became due from them on the First day of November One thousand eight hundred and Thirty-four, and on the First day of November One thousand eight hundred and Thirty-five : 15

And whereas by an Act passed in the fifth and sixth years of His Majesty's reign, intituled, " An Act to suspend, until after the Sixth day of April One thousand eight hundred and Thirty-six, Proceedings for recovering Payment of certain Instalments of the Money advanced under the Acts for establishing Tithe Compositions in Ireland," it was enacted, that it should be lawful for the Lords Commissioners of His Majesty's Treasury, if it should seem to them expedient so to do, to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any such instalments as aforesaid, until after the Sixth day of April One thousand eight hundred and Thirty-six : 20 25 30 39

And whereas it is expedient to make further and other provisions with respect to the recovery of the said instalments and of the instalments which will become due and payable on the First day of November One thousand eight hundred and Thirty-six ;

BE it therefore Enacted, by The KING'S most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the powers and authorities vested by the said last recited Act in the Commissioners of His Majesty's Treasury, shall be and the same are hereby revived and continued ; and that it shall be lawful for the said Commissioners, or any Three or more of them, to delay or suspend the institution or prosecution of any proceedings 35 40

1.
Continued
repayment of
Instalments
postponed.

proceedings for recovery or enforcing payment of any of the said instalments already become due or to become due on the First November One thousand eight hundred and Thirty-six, until and after the Sixth day of April One thousand eight hundred and Thirty-seven: Provided always, That the institution or prosecution of such proceedings shall not be delayed or suspended under the authority of this Act, in any case in which the parties applying for such delay or suspension have received the whole or the greater part of the Tithe due to them respectively for the years One thousand eight hundred and Thirty-four and One thousand eight hundred and Thirty-five.

Repayment of Instalments postponed.

And be it further Enacted, That it shall not be lawful for the Commissioners of His Majesty's Treasury to suspend or delay the institution or prosecution of any proceedings for the recovery of the said instalments, in any case in which, either by act of law or the undertaking of the parties, the said instalments have become due and payable by the Owner or Landlord, and have ceased to be payable by the Tenant in possession.

2. Commissioners of Treasury may stop Proceedings for recovery of Instalments.

Provided always, and be it further Enacted, That the provisions of this Act shall not extend or be construed to extend to the case of any instalment due by any Lay Impropiator to whom advances were made under the authority of the Act of the third and fourth years of His Majesty's reign, in respect of Tithes chargeable upon Lands the estate and property of the said Impropiator.

3. Act not to extend to Instalments due from Lay Impropiators.

And be it further Enacted, That the institution of proceedings for the recovery of such instalments shall not be delayed or suspended in any case in which the parties shall neglect or refuse to furnish to the satisfaction of the Commissioners of His Majesty's Treasury such information as the said Commissioners shall acquire for the purpose of enabling them to decide how far it may be expedient to delay or suspend the institution of such proceedings.

4. Proceedings not to be stopped where Parties refuse Information to Commissioners.

And be it further Enacted, That an account shall be laid before both Houses of Parliament within *Ten Days* after the *Fifth* day of *April One thousand Eight hundred and Thirty-seven*, of all sums recovered in respect of any of the said instalments, accompanied by a statement of the several cases in which, under the power and authority vested in them by this Act, the Commissioners of His Majesty's Treasury have delayed or suspended the institution or prosecution of proceedings for the recovery of the said instalments, or any of them.

5. Account to be annually laid before Parliament.

Tithe Compositions.

(Ireland.)

A

B I L L

To suspend Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in Ireland.

(Prepared and brought in by
Mr. Chancellor of the Exchequer,
Lord John Russell, and Lord Viscount Morpeth.)

Ordered, by The House of Commons, to be Printed,
9 August 1836.

407



A

B I L L

For the better Regulation of the Corporation of the Trinity House in Kingston-upon-Hull.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**E **R**E **A**S it is expedient that the Charters whereby the
Guild or Brotherhood, Masters and Pilots Seamen of the Trinity
House in Kingston-upon-Hull, commonly called “The Corporation
of the Trinity House in Kingston-upon-Hull,” is constituted should be
altered in manner hereinafter mentioned; **B**E **I**T **E**nacted, by The **K**I**N**G’s
most Excellent **M**AJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, **T**HAT so much of all
Laws, Statutes and Usages, and so much of all Royal and other Grants,
Charters and Letters Patent now in force relating to the said Body
Corporate, or to any of the Members thereof, as are inconsistent with
or contrary to the provisions of this Act, shall be and the same are
hereby repealed and annulled.

Preamble:

1.

2.

AN**D** whereas the said Body Corporate now stands seised or pos-
sessed of sundry hereditaments and personal estate, and has, under and
by virtue of several Charters, Grants, Letters Patent and Statutes, and
particularly under and by virtue of a certain Act of Parliament made
and passed in the fourth and fifth years of His present Majesty’s
reign, intituled, “An Act to amend an Act of the twentieth year of
his Majesty King **G**EOR**G**E the Second, for the Relief and Support of sick,
maimed and disabled Seamen, and the Widows and Children of such as

shall be killed or drowned in the Merchant Service, and for other purposes," the receipt, collection and application of certain tolls, dues, duties and contributions, in trust in whole or in part for charitable uses or trusts; BE it Enacted, That the said hereditaments and personal estate, tolls, dues, duties and contributions shall continue in the persons who at the time of the *passing of this Act* are seised or possessed thereof as such Trustees until the first election of Wardens under this Act. 5

3.

AND whereas the said trust hereditaments and personal estate, and the said tolls, dues, duties and contributions, or some part thereof, have been usually paid and distributed to or for the benefit of Masters and Mariners Seamen of the said port of Kingston-upon-Hull and its dependencies, and of their Wives, Widows and Children; BE it Enacted, That nothing in this Act contained shall extend to take any prejudice, lessen, diminish or alter any rights, privileges, claims or demands which the Masters and Mariners Seamen of the said port of Kingston-upon-Hull and its dependencies, or any of them, or which they or any of their Wives, Widows and Children lawfully can or may have or claim to the said trust hereditaments and personal estate, tolls, dues, duties and contributions, and every part thereof, but that the same rights, privileges, claims and demands of the said Masters and Mariners Seamen of the said port of Kingston-upon-Hull and its dependencies, and of their Wives, Widows and Children, and of every of them, to all or any part of the same trust hereditaments and personal estate, tolls, dues, duties and contributions, shall for ever hereafter remain, continue and be as fully and effectually as if this Act had not been made. 10 15 20 25

4.

And be it Enacted, That on the *First* day of *November* in this and every succeeding year, the Burgesses of the Borough of Kingston-upon-Hull shall openly assemble in their respective Wards, and shall elect, in manner hereinafter mentioned, from the Councillors or persons qualified to be Councillors of such Borough, *Twenty-one* persons, that is to say, *Three* persons for each and every Ward within the said Borough, or such part of them as shall be needed to supply the places of those who shall go out of office pursuant to the provisions hereinafter contained; and every such election shall be in the form and manner provided for the election of Councillors in an Act passed in the last Session of Parliament, intituled, "An Act to provide for the Regulation of Municipal Corporations in England and Wales." 30 35

5.

And be it Enacted, That the persons so elected and their successors shall be, with the Mayor of the said Borough for the time being, one Body Corporate, of which the Mayor of the Borough for the time being shall be the head, by the name of "The Wardens of the Trinity House in Kingston-upon-Hull," and by that name shall have perpetual succession, and shall be enabled to sue and be sued in all courts 40

courts and places of judicature within these realms, and shall be capable in law to do and suffer all acts which now lawfully the said Corporation of the Trinity House in Kingston-upon-Hull and their successors respectively may do and suffer by any name or title of incorporation; and the Mayor of the said Borough shall be capable to do and suffer all acts which the Chief Officer of the said Corporation of the Trinity House may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the provisions of this Act; and by that name shall be seised and possessed, and shall raise, levy, collect, receive and apply all the hereditaments, monies, chattels, securities for money, tolls, dues, duties and contributions and other personal estate of which the said Corporation of the Trinity House, or the members thereof, or any of them, at the time of the *passing of this Act* are seised or possessed, or entitled to raise, levy, collect, receive and apply; and shall have all the estate, right, interest, title, powers and liabilities heretofore vested in or belonging to such persons as last aforesaid; and all the estate, right, interest and title, and all the powers of such persons as last aforesaid, in respect of the said Body Corporate, or as members thereof, shall continue in such persons until the first election of Wardens under this Act shall immediately thereupon cease and determine: Provided always, That the Wardens so to be appointed, and each of them respectively, notwithstanding their acting in a corporate capacity, shall be personally answerable for all acts done by them respectively, or breaches of trust to which they shall respectively be party or privy, as if they had acted in their individual and not in their corporate capacity.

6.

And be it Enacted, That upon the *One thousand eight hundred and* and in every succeeding year, part of the whole number of Wardens (with the exception of the Mayor) in every Borough shall go out of office by rotation; and in the year *One thousand eight hundred and* those who shall go out of office shall be those who were elected by the smallest numbers of votes on the said in this year; and in the year *One thousand eight hundred and* those who shall so go out of office shall be those who were elected by the next smallest numbers of votes on the said in this year, the Council of the said Borough determining when the votes for any such persons shall have been equal who shall be the persons so to go out of office; and thereafter those who shall so go out of office shall always be the Wardens who have been for the longest time in office without re-election: Provided always, That any person so ceasing to be a Warden shall be capable of being forthwith re-elected: Provided also, That if any vacancy shall be occasioned among the Wardens at any time other than those hereinbefore provided for the election of such Wardens, the Council shall within Days next after the vacancy has happened, elect another Warden from the persons

persons qualified to be Wardens to supply such vacancy, and every person so elected a Warden as last aforesaid shall be a Warden until the time at which the person in the room of whom he was chosen would regularly have ceased to be a Warden, and he shall then cease to be a Warden, but shall be capable of immediate re-election.

7.

And be it Enacted, That all Monies which shall be in any bank or in the hands of any treasurer or other person, placed to the credit of any account under the control of any persons so ceasing to act, shall immediately upon the first election of the Wardens under this Act be transferred to a like account under their control; and all conveyances, 10 contracts, securities and debts made, entered into or contracted by, to or with any person or body corporate, shall, immediately upon the first election of the Wardens under this Act, be of the same force and with the like powers and remedies against and for the benefit of the said Wardens under this Act, as the same would have been against 15 and for the benefit of the person or body corporate by, to or with whom or which the same were made, entered into and contracted; and for the purpose of prosecuting and defending any suits pending at the time of the *passing of this Act*, the Wardens under this Act shall come in the place of and be deemed and taken to be the successors of the 20 persons ceasing to act as such Corporation of the Trinity House as aforesaid; and all such suits shall be prosecuted and defended in the name of the Wardens of the Trinity House of Kingston-upon-Hull, provided that nothing herein contained shall extend to discharge any person or body corporate, who in such capacity has incurred any 25 liability in respect of any breach of trust from such liability, or to impose such liability on the new Wardens, or the estate and effects vested in them by this Act.

8.

And be it Enacted, That the said Wardens shall appoint in every year, to be removable at their pleasure, a sufficient number of fit persons, not being less than nor more than who shall be and be called "Pilot and Buoy Masters of the Port of Hull," and shall from time to time order to be paid to them and each of them, out of the said hereditaments, tolls, duties and contributions and personal estate, or such part or portion thereof as shall be applicable for that purpose, such salary or salaries as they shall think reasonable and proper.

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35

9.

And be it Enacted, that the said Wardens shall within
next after their first election, prepare or cause to be
prepared such Regulations as they may think expedient and proper for
preventing neglect or abuse, and rendering such Pilot and Buoy 40
Masters efficient in the performance of their duties.

AND

10.

AND whereas, in and by an Act passed in the second and third years of His present Majesty's reign, intituled, "An Act for better regulating the Pilotage of the Port of Kingston-upon-Hull and of the River Humber, and for other purposes relating thereto," the said Corporation of the Trinity House are required to grant Licenses to such persons as they shall, after due examination, approve of and think properly qualified to be Pilots for conducting ships and vessels within certain limits therein mentioned, and to be called Humber Pilots; BE it Enacted, That so much of the said recited Act as authorizes the said Corporation of the Trinity House to examine such persons as to their qualification to act as Humber Pilots shall be and the same is hereby repealed.

11.

And be it Enacted, That such persons so to be appointed Pilot and Buoy Masters as aforesaid shall examine, and they are hereby authorized and required, so long as their deputation or appointment shall not be revoked or superseded by the appointment of other persons in their places, to examine into the qualification of persons to act as Humber Pilots; and it shall be lawful for the said Corporation of Wardens of the Trinity House, and they are hereby required, on receiving a certificate under the hands of any of the persons so to be appointed, that any person examined as aforesaid is duly qualified to be a Humber Pilot, to give a License to such person to act as a Pilot accordingly.

12.

And be it Enacted, That the said Wardens shall appoint in every year, to be removable at their pleasure, one fit person to be their Treasurer, and one other fit person to be their Secretary, and such Clerks, Officers and Collectors as they shall think necessary for administering their respective trusts, power and authorities and duties, and shall take such security for the due execution of his office by any such Treasurer, Secretary, Clerk, Collector or other Officer as they shall from time to time direct, and shall order to be paid by them out of the Trust Funds such salaries as they shall think reasonable: Provided, That no person, being an Alderman or Councillor or Town Clerk or Treasurer of any Borough, shall be qualified to be Treasurer or Secretary to the said Wardens: Provided also, That the Treasurer and the Secretary to the said Trustees shall not be the same person.

13.

And be it Enacted, That every Treasurer, Secretary, Clerk, Collector or other Officer appointed by the said Wardens as aforesaid shall at such times during the continuance of his office, or within *Three* Months after the expiration of his office, and in such manner as the said Warden shall direct, deliver to the Wardens, or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed and

for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them, and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Wardens shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Wardens, or to such person as they shall authorize, within *Three* Days after being thereunto required by notice in writing under the hands of any *Three* or more of the said Wardens, to be given to or left at the last place of abode of such Officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Wardens, or to such other person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Wardens by such person as they shall authorize for that purpose of any such refusal or wilful neglect as aforesaid to any Justice of the Peace for the county or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his hand and seal for bringing such Officer before any *Two* Justices of the Peace for such county or jurisdiction, and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer, and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account or the vouchers relating thereto, or such lists as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such offender to the common Gaol or House of Correction for the county or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Wardens for such monies, and shall have paid such composition in such manner as they shall appoint, which composition the said Wardens are hereby empowered to make and receive, or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect

respect thereof to the said Wardens, or to such other person as aforesaid, as the case may be: Provided always, That no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than *Three* calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any
 5 remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

10 And be it Enacted, That the Wardens, at their first meeting under this Act, and also at the first meeting after the annual election of Wardens in every following year, shall determine upon the time and place of holding every ordinary meeting of the Wardens until and including the first meeting after the annual election of Wardens in the
 15 following year, and the times and places so determined upon shall be forthwith made known by the Wardens to the Council of the Borough, who shall publish the same in the Borough in such manner as to the Council shall seem fit: Provided always, That it shall be lawful at any time for the Mayor, or for any two Wardens, to require the
 20 Secretary to summon an extraordinary meeting of the Wardens, and in every such case the Mayor or Wardens requiring such extraordinary meeting shall deliver to the Secretary a statement of the business proposed to be transacted at such extraordinary meeting, and *Three* clear Days at least before such meeting, notice of such meeting, signed
 25 by the Secretary, specifying the time and place of the meeting and the business proposed to be transacted, shall be left at the usual place of abode of every Warden, or at the premises in respect of which he is enrolled a Burgess, and at the Town Clerk's office; and no business shall be transacted at such meeting other than is specified in
 30 the notice.

14.

And be it Enacted, That all acts of the Wardens appointed under this Act shall be done at some meeting at which not less than
 of the whole number of Wardens shall be present, and
 a of those present shall concur in such acts, otherwise they
 35 shall be void and of none effect: Provided always, That the Mayor shall preside at every meeting at which he shall be present, and in case of his not being present at any meeting, the Wardens present shall choose a Chairman, and in case of equality of votes, the Mayor or
 Chairman for the time being shall have a second or casting vote; and
 40 all the resolutions and minutes of all the proceedings of the said Wardens shall be entered in a book to be kept by the Secretary to the Wardens for the time being, and the said book shall be open at all reasonable times, without fee, to the inspection of the Council of the Borough, or of any Committee of the Council appointed for that
 362. purpose:

15.

purpose : Provided nevertheless, That no act, resolution or proceeding of the said Wardens shall require or be submitted for approval or confirmation to the Council.

16.

And be it Enacted, That the Treasurer to the said Wardens shall pay no money but upon an order of the said Wardens in writing, signed by or more of the said Wardens at the meeting at which such order shall have been made, and countersigned by the Secretary to the said Wardens. 5

17.

And be it Enacted, That the Treasurer of the Wardens of every Borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and the books containing the accounts shall at all reasonable times be open, without fee, to the inspection of the Council or of any Committee of the Council appointed to inspect them, and all the accounts, with all vouchers and papers relating thereto, shall in the months of and in every year be submitted by the Treasurer of the Wardens to the Auditors of the Borough, who shall examine and audit the same from the in the year preceding to the and from the 10 15 20

to the *First* day of in the year in which the said Auditors were elected and named ; and if the said accounts shall be found to be correct, the Auditors shall sign the same ; and after such accounts shall have been so respectively examined and audited in the month of in every year, the said Treasurer shall make out in writing and deliver to the Council a full abstract of his accounts for the year, which shall be signed by the Auditors, if found by them to be correct, and the Council shall cause such abstract to be printed at the expense of the Mayor, Aldermen and Burgesses of the Borough, and copies thereof shall be delivered to all Burgesses of such Borough applying for the same on payment of a reasonable price for each copy. 25

Trinity House (Hull.)

A

B I L L

For the better Regulation of the Corporation of
the Trinity House in Kingston-upon-Hull.

(Prepared and brought in by
Mr. Hunt and Mr. Pym.)

Ordered, by The House of Commons, to be Printed,
22 June 1836.



A

B I L L

For continuing for a limited Time the several Acts for regulating the Turnpike Roads in Great Britain, which will expire with the present or the next Session of Parliament.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient that the several Acts for making, amending and repairing the Turnpike Roads in Great Britain, which will expire on the First day of June One thousand eight hundred and Thirty-seven, should be continued for a limited time; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all and every Act and Acts of Parliament for making, amending and repairing any Turnpike Roads in Great Britain, which will expire with the present or the next Session of Parliament, shall be, and the same is and are hereby continued until the *First day of September One thousand eight hundred and Thirty-eight*, or, if Parliament shall then be sitting, until the *End of the then Session of Parliament*.

Preamble.

1.
Turnpike Acts
further con-
tinued.

2.
Act not to
extend to
certain Local
Acts.

And be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to an Act passed in the fifty-second year of his late Majesty King GEORGE the Third, intituled, "An Act for widening and improving the Street or Road leading from Tower Hill to the Street called Upper East Smithfield, in the Parish of Saint Botolph without Aldgate, in the County of Middlesex;" nor to another Act passed in the fifty-third year of his said late

Majesty,

Majesty, intituled, " An Act for enlarging the Powers of an Act of his present Majesty for widening and improving Upper East Smithfield, in the Parish of Saint Botolph without Aldgate, in the County of Middlesex;" nor to another Act passed in the fifty-sixth year of the reign of his said late Majesty, intituled, " An Act for altering, amending and explaining two Acts of his present Majesty's Reign, for widening and improving the Street leading from Tower Hill to the Street called Upper East Smithfield, in the County of Middlesex." 5

Turnpike Acts Continuance.

A

B I L L

For continuing for a limited Time the several Acts for regulating the Turnpike Roads in Great Britain, which will expire with the present or the next Session of Parliament.

*(Prepared and brought in by
Mr. Fox Maule and Lord John Russell.)*

*Ordered, by The House of Commons, to be Printed,
15 July 1836.*

5 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

To continue for One Year, and from thence to the End of the next Session of Parliament, the several Acts for regulating the Turnpike Roads in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS the several Acts for making, amending and repairing the Turnpike Roads in Ireland, were by an Act passed in the fourth and fifth years of His present Majesty's reign, continued for the term of One Year, and thenceforth until the End of the present Session of Parliament; and it is expedient that the said Acts should be further continued; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** all and every Act and Acts of Parliament for making, amending and repairing any Turnpike Road or Roads in Ireland, which will expire during or with the present Session of Parliament, shall be and the same is and are hereby continued for *One Year* from the *passing of this Act*, and thenceforth until the *End of the then next Session of Parliament*.

Preamble :

4 & 5 Will. 4.
c. 91.

Turnpike Roads (Ireland).

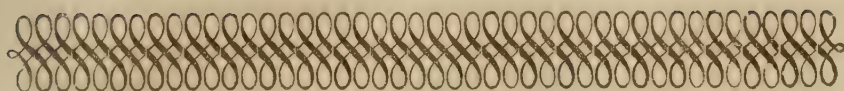
A

B I L L

To continue for One Year, and from thence
to the End of the next Session of Parlia-
ment, the several Acts for regulating the
Turnpike Roads in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. More O'Ferrall.)

Ordered, by The House of Commons, to be Printed,
5 July 1836.



A

B I L L

To make effectual so much of an Act passed in the First and Second Years of the Reign of His present Majesty King WILLIAM the Fourth, “for amending and making more effectual the Laws concerning Turnpike Roads in Scotland,” as relates to the Powers given therein to Heirs of Entail in possession to burden their Estates for the purpose of making Turnpike Roads in Scotland, and the Bridges thereon.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the first and second years of the reign of His present Majesty King WILLIAM the Fourth, intituled, “An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland,” whereby certain powers were given to Heirs of Entail in possession of entailed Estates to burden the same, and the Heirs of Entail succeeding thereto with the repayment of sums of money advanced or borrowed for the purpose of making or maintaining Turnpike Roads and Bridges thereon: **AND** whereas these powers have been found in practice to be insufficient for the purposes for which they were intended, and it is necessary to alter, amend and extend the same; **BE it therefore Enacted**, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** so much of the said recited Act as enables the proprietors of entailed Estates to bind the succeeding Heirs of Entail, or to burden their entailed Estates for any sum or sums of money advanced or borrowed for the purpose of making or maintaining any Turnpike Road or building Bridges thereon, shall be and the same is hereby Repealed, and

Preamble.

1 & 2 Will. 4,
c. 43.

1.
1 & 2 Will. 4,
c. 43, partly
Repealed.

in lieu thereof the provisions of this Act shall commence and take effect, without prejudice however to any thing done or any burden created under the said Act, which so far as respects any thing done or burden created in virtue thereof, is and shall be of the same force, validity and effect in all respects as if this Act had not 5 passed.

2.
Heir of Entail
may create
Burden on his
entailed
Estates for the
purposes of
Turnpike
Roads.

And be it Enacted, That it shall and may be lawful for the Heir of Entail, or the Tutor or Curator of the Heir of Entail, in possession of any entailed Estate, in or upon which any Turnpike Road or Bridge has since the passing of the said recited Act, or shall hereafter be 10 made or built, to the making or maintaining of which such Heir of Entail, or Tutor or Curator has contributed or shall be desirous of contributing any sum or sums of money, to secure so much of the principal sum due upon any bond or assignment granted, or to be granted, by the Trustees of such Road for money borrowed by them, 15 in virtue of the powers of the Act or Acts of Parliament under which such Road was made or is maintained, as shall be equal to the amount of the sum so contributed to such Road by such Heir of Entail, or Tutor or Curator, as the same shall be ascertained by a certificate under the hand of the Clerk or Treasurer of the Trustees 20 of such Road (which certificate it is hereby declared shall be conclusive evidence of the amount of such contribution), by declaring the same to be a real burden or debt against the entailed Estate, payable thereout, with half-yearly interest, to the person or persons 25 at the time entitled to the money due by such bond or assignment, and their heirs, executors and assignees, till repaid out of the Tolls and Duties levied on such Turnpike Road.

3.
Burden not
to exceed One
Year's Rent.

And be it Enacted, That such entailed Lands shall not at any time be burdened, under the provisions of this Act, to a greater extent than *One Year's Rent*, or value of such entailed Lands, lying 30 within the parishes through or into which such Road runs, or in which such Bridge is wholly or in part situated, as such rent or value shall be ascertained and certified by the Sheriff of the county in which such Lands or any part thereof are situated, who is hereby required, on proof to his satisfaction, by the oath or affirmation of 35 the Heir of Entail in possession, or of his Factor, or by such other evidence as he shall think necessary, of the amount of such rent or value to ascertain such rent or value, and to grant a certificate thereof under his hand, which certificate shall be conclusive evidence of the amount of such rent or value for the purposes of this 40 Act, and which declaration by the Heir of Entail and certificate by the Sheriff shall be in the form or to the effect specified in Schedule (A.) to this Act annexed.

And

And be it Enacted, That any such debt or burden created under this Act shall be assignable, and may be assigned and transferred by an instrument in the form or to the effect specified in Schedule (B.) to this Act annexed.

4.
Debt assign-
able.

5 And be it Enacted, That such declaration and certificate, and every assignation or transference of any such debt or burden shall be recorded in the General Registry of Sasines within *Sixty* Days of the date of such declaration, assignation or transference, or else the same shall be void and of none effect.

5.
Declaration,
Certificate
and Transfers
to be recorded
in the General
Register of
Sasines.

10 And be it Enacted, That such debt or burden so created shall have all the privileges and preferences which it would be entitled to were it a debt contracted by the entailer of such property existing at the time unexpired, with this exception, that the legal of any adjudication led in respect thereof shall never expire, and that the
15 entailed Lands shall never be liable for any interest which has remained past due for more than one year upon such debt or burden; and such debt or burden and the sums due thereby shall be of the nature of personal estate, and transmissible accordingly, and the same shall remain good, valid and effectual until renounced by the
20 party in whose favour the same was created, or to whom it shall have been assigned or transferred, or to his heirs, executors or assignees.

6.
Burden to
have the same
preference as
a Debt of the
Entailer of
the Lands
burdened, but
legal of ad-
judication
never to
expire.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

1.—FORM OF DECLARATION.

I, [here insert name of the Heir of Entail making the declaration] Heir of Entail, in possession of the Lands of [here describe the lands] in the Parish of _____ and County of _____ the yearly rent or value of which is _____ and of the Lands of [here describe the Lands] in the Parish of _____ and County of _____ the yearly rent or value of which is _____ through which several parishes the Turnpike Road and Bridges thereon authorized to be made and maintained, under an Act passed [here set forth the Title of the Act] passes, being desirous of availing myself of the power given me to burden my said entailed Estates, in respect of such Roads and Bridges, by an Act passed [here insert the title of this Act] do, hereby declare the sum of _____ borrowed by the Trustees of the said Road, and due by them under a bond dated [here insert date of the bond], and granted by the said Trustees, in virtue of the power given them by the said Act for making and maintaining the said Road, to be a real burden or debt against my said entailed Estates, payable thereout, in virtue of the said Act passed in the [here insert the year of the King's reign in which this Act was passed], with half-yearly interest to the person now entitled to the principal and interest payable under the said bond, and his heirs, executors and assigns, with all the privileges and preferences given to such burden by the said last-mentioned Act, that is to say, the sum of _____ and corresponding interest, against my said Lands in the Parish of _____ and the sum of _____ and corresponding interest against my said Lands in the Parish of _____. And I hereby declare that the said sums shall continue and be a real burden, in terms of the said Act, against my said entailed Lands respectively, until repaid out of the Tolls and Duties levied on the said Road, and I consent to the registration hereof in the General Register of Sasines, in terms of the said Act, and thereby constitute my Procurator.

In witness whereof [the testing clause to be completed according to the law and practice of Scotland].

2.—FORM OF CERTIFICATE.

I, _____ the Sheriff of the County of _____
do hereby certify, that it has been proved to me that the yearly
rent or value of the within-mentioned Lands, in the Parish of _____
in the said County, was for the crop and year
last past the sum of _____ and the yearly rent or
value of the Lands within mentioned, in the Parish of _____
in the County of _____ was for the crop and year
last past the sum of _____ This I do in virtue
and for the purposes of an Act passed [here insert the title of this
Act]. In witness whereof [complete the testing clause according
to the law of Scotland.]

SCHEDULE (B.)

I, A. B. considering that by a declaration, dated the
day of _____ and recorded in the General Register
of Sasines the _____ day of _____ C. D. the
Heir of Entail, in possession of certain Lands in the Parishes of _____
in the County of _____ did
create and declare the sum of _____ and interest, as
therein specified, to be a real burden in my power over his said
entailed Lands as therein mentioned, and seeing that E. F. has
made payment to me of [here state the sum or other consideration],
and that I have agreed to assign and transfer the said debt or
burden to E. F. as after specified; Therefore I have assigned,
conveyed and transferred to the said E. F. his heirs, executors and
assignees, all my right, title and interest to and in the said debt or
burden. In witness whereof [complete testing clause according to
the law of Scotland.]

Turnpike Roads (Scotland.)

A

B I L L

To make effectual so much of an Act passed in the First and Second Years of the Reign of His present Majesty King WILLIAM the Fourth, "for amending and making more effectual the Laws concerning Turnpike Roads in Scotland," as relates to the Powers given therein to Heirs of Entail in possession to burden their Estates for the purpose of making Turnpike Roads in Scotland, and the Bridges thereon.

(Prepared and brought in by
Mr. Chalmers and Sir Andrew Leith Hay.)

Ordered, by The House of Commons, to be Printed,
29 March 1836.

427



A

BILL

To authorize the Consolidation of the Trusts of Turnpike Roads
in that part of Great Britain called England:

Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is expedient, in order to lessen the expense
of the management and maintenance of Turnpike Roads
in that part of Great Britain called England, that power should be
given to consolidate the Trusts of such Turnpike Roads; **BE it**
5 **therefore Enacted**, by The KING's most Excellent MAJESTY, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, THAT one of His Majesty's Principal
Secretaries of State, His Majesty's Postmaster General for the time
10 being, and the Commissioners of His Majesty's Woods, Forests, Land
Revenues, Works and Buildings for the time being, shall be and
they are hereby appointed Commissioners for carrying this Act into
execution.

Preamble:

And be it further Enacted, That it shall be lawful for the Lord
15 High Treasurer, or the Commissioners of His Majesty's Treasury for
the time being, or any *Three* or more of them, by any writing under
their hands, to appoint any other Person or Persons, not being more
than *Six* in number, to be a Commissioner or Commissioners for car-
rying this Act into execution; and every Person or Persons who
20 shall be so appointed, is and are hereby vested with the same powers
and authorities as if he or they had been named in this present Act,
and had been thereby appointed a Commissioner or Commissioners
for carrying this Act into execution.

1.
Appointment
of Commis-
sioners to
carry Act into
execution.

2.
Power to ap-
point addi-
tional Com-
missioners.

And be it further Enacted, That the said Commissioners shall be
styled "The Commissioners for consolidating Turnpike Trusts;" and
the

Style of Com-
missioners;

who may sit as a Board, with power to summon and examine Witnesses, and call for production of Papers, &c.

the said Commissioners, or any *Three* of them, (one, but not more than one of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings being present), may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners, acting as such Board, shall be and are hereby empowered, by summons under their hands and seal, to require the attendance of all such Persons as they may think fit to call before them, upon any question or matter connected with or relating to the management and maintenance and the funds of Turnpike Roads in that part of Great Britain called England; and also to make any inquiries, and require any answer, or returns, as to any such question or matter; and also to examine all such Persons, and to require and enforce the production of Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such question or matter; and the said Commissioners may, if they think fit, require any such Person to make and subscribe a Declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, That no such Person shall be obliged, by any such summons, to go or travel more than *Fifty* Miles from the place of his abode.

4.
To have a
Common Seal.

Orders, &c.
purporting to
be sealed with
such Seal, to
be received as
Evidence.

And be it further Enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed and stamped therewith all Orders and Regulations made by the said Commissioners in pursuance of this Act; and all such Orders and Regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof; and no such Order or Regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

5.
Commissioners to
record their
Proceedings.

And be it further Enacted, That the said Commissioners shall make a record of their proceedings, in which shall be entered, in writing, a reference to every Letter received, from whence, its date, the date of its reception, and the subject to which it relates; and a minute of every Letter written, or Order given, by the said Commissioners, whether in answer to such Letters received or otherwise, with the Date of the same, and a minute of the opinion of each of the members of the Board of Commissioners, in case they should finally differ in opinion upon any Order to be given, or other proceeding of the Board; and such record shall be submitted to one of His Majesty's Principal Secretaries of State once in every year, or as often as he shall require the same.

6.
Commissioners to make a
General Report to the
Secretary of
State yearly,

And be it further Enacted, That the said Commissioners shall, *once* in every year, submit to one of the Principal Secretaries of State a general Report of their Proceedings; and every such general Report shall be laid before both Houses of Parliament within *Six* Weeks after the

the receipt of the same by such Principal Secretary of State, if Parliament be then sitting; or if Parliament be not sitting, then within *Six* Weeks after the next meeting thereof.

to be laid before Parliament :

5 And be it further Enacted, That the said Commissioners shall from time to time, at such times as any one of His Majesty's Principal Secretaries of State shall direct, give to the Principal Secretary of State requiring the same, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require.

7.
And to report Proceedings to the Secretary of State when required.

10 And be it further Enacted, That the said Commissioners may, and they are hereby empowered from time to time to appoint all such Officers as they shall deem necessary for carrying this Act into execution at such places and in such manner as the said Commissioners may direct, and from time to time, at the discretion of the said Commissioners, to remove such Officers, or any of them, and to appoint others in their stead : Provided always, That the amount of the remuneration to such Officers shall from time to time be regulated by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any *Three* or more of them.

8.
Commissioners to appoint Officers.

20 And be it further Enacted, That it shall be lawful for the said Commissioners to delegate to any one or more of their Officers such of the powers and authorities hereby given to the said Commissioners (except the power to unite Turnpike Trusts) as the said Commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places for such periods, and under such circumstances, and subject to such regulations, as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter, or vary all or any of the powers and authorities which shall be so delegated as aforesaid; and notwithstanding the delegation thereof, may act as if no such delegation had been made; and such Officer or Officers may and is and are hereby empowered to summon before him or them such Persons as he or they may think necessary for the purpose of being examined, upon any question or matter relating to the management and maintenance of the Turnpike Roads, and the Funds thereof, or for the purpose of producing and verifying by declaration (which declaration such Officer or Officers is and are hereby to take and receive), any Books, Contracts, Agreements, Accounts and Writings, or Copies of the same, in anywise relating to such question or matter as such Officer or Officers may think fit, but so that no such Person shall be required, in obedience to any such summons, to go or travel more than *Fifty* Miles from the place of his abode; and all Summonses and Orders made by any such Officer or Officers in pursuance or exercise of such delegated powers and authorities, shall be obeyed, performed and carried into effect by all Persons as if such Summons or Order had been the Summons or Order of the

9.
Commissioners may delegate Powers, and revoke them.

Examination of Persons.

said Commissioners ; and the breach, non-observance or non-performance thereof shall be punishable in like manner.

10.

Persons giving false Evidence, refusing to attend, &c. guilty of Misdemeanor.

And be it further Enacted, That if any Person, upon any examination under the authority of this Act, shall wilfully and corruptly give false Evidence, or shall subscribe a false Declaration, or if any Person shall wilfully refuse to attend in obedience to any summons of the said Commissioners, or such Officer or Officers as last aforesaid, or to give evidence, or shall wilfully alter, suppress, conceal, destroy or refuse to produce any books, contracts, agreements, accounts and writings, or copies of the same, which may be so required to be produced before the said Commissioners, or such Officer or Officers, every Person so offending shall be deemed guilty of a *Misdemeanor*.

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11.

Reasonable Expenses of Witnesses to be paid, and by whom.

And be it further Enacted, That it shall be lawful for the said Commissioners, in any case where they see fit, to order and allow such Expenses of Witnesses, and of or attending the production of any Books, Contracts, Agreements, Accounts or Writings, or Copies thereof, to or before the said Commissioners, or such Officer or Officers as last aforesaid, as such Commissioners may deem reasonable to be paid, as follows ; (that is to say) out of the Funds of the Turnpike Trust, which in the opinion of the said Commissioners shall be interested or concerned in such attendance or production respectively, in all cases in which such witnesses shall not go or travel more than *Fifty Miles* ; and in all other cases the expenses so ordered or allowed shall be deemed as part of the incidental expenses attending the execution of this Act, and be paid accordingly.

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12.

Turnpike Trusts may be united by Commissioners.

And be it further Enacted, That it shall be lawful for the said Commissioners, by order, to declare so many Turnpike Trusts as they may think fit to be consolidated and united, and such Turnpike Trusts shall thereupon be deemed a consolidation or union for the purpose of regulating the management and maintenance of the Turnpike Roads on such Trusts, and the funds thereof.

30

13.

Copy of Order for Consolidation to be sent to each Trust, and deposited with Clerk of Peace.

And be it further Enacted, That a Copy of the said Order for the consolidation of such Turnpike Trusts as aforesaid shall be sent to the Clerk of each Turnpike Trust so consolidated, and also to the Clerk of the Peace of each county, riding, division, district or liberty in which any of the said Trusts may be situate ; and the said Clerk of the Peace shall and is hereby required, upon the receipt of such Order, to file the same with the records of such county, riding, division, district or liberty.

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14.

Power to dissolve, add to, or take from any Consolidated Trusts ;

And be it further Enacted, That it shall be lawful for the said Commissioners from time to time, as they may see fit, by order, to declare any consolidation of Turnpike Trusts to be dissolved, or any Turnpike Trust or Trusts, specifying the same to be separated from or added to any such consolidation, and, as the case may be, such consolidation shall

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shall thereupon be dissolved, or such Turnpike Trust or Trusts shall thereupon be separated from or added to such consolidation accordingly; and the said Commissioners shall in every such case frame and make such orders as they may think fit for adapting the constitution, management and Board of Trustees of every such consolidation, from or to which there shall be such separation or addition as aforesaid to the altered state of the same; and every such consolidation shall, after any such alteration, be constituted, managed and governed as if the same had been originally formed in such altered state; and in case any such consolidation shall be wholly or partially dissolved as aforesaid, then the Turnpike Trusts constituting, or, in case of partial dissolution, separated from any such consolidation, shall thenceforth be subject to be re-united or united with other Turnpike Trusts, or otherwise dealt with, according to the provisions of this Act, as the said Commissioners shall think fit.

and thereupon to make such Orders as may be adapted to its altered state.

And be it further Enacted, That where any Turnpike Trusts shall be consolidated and united, by order of the said Commissioners, a Board of Trustees for the management and maintenance of the Turnpike Roads in such Trusts, and the Funds thereof, shall be constituted and elected by and from the persons who, at the time of such consolidation being made, were the Trustees of such Trusts so consolidated; and the said Commissioners shall determine the number of the Trustees to be elected in each consolidation, and also the number of Trustees to be elected for any one or more of such Trusts so consolidated, as well as the mode of election; and such Board of Trustees shall have, use and exercise over each of the Trusts so consolidated and united, the same powers and authorities as the Trustees acting under any local Act or otherwise had over the same previous to such consolidation and union; and in case of the death, refusal to act or disqualification of any of the Board of Trustees of such consolidated Trusts, it shall be lawful for the surviving or remaining Trustees from time to time to elect and appoint one other fit Person duly qualified to be a Trustee in the room of every Trustee so dying, refusing to act, or becoming disqualified, provided that notice of the time and place of meeting of the Trustees for every such election be given by the Clerk to such consolidated Trusts, by affixing the same in writing upon all the Tollgates or Turnpikes erected upon the said Roads for which they shall act as Trustees; and by inserting such notice in one or more of the Newspapers circulated in that part of the county where such Roads shall pass *Fourteen* Days at least before every such meeting; and every Person who shall be so elected and appointed a Trustee, shall and may act with the surviving and remaining Trustees in the execution of this Act, and of the several powers and authorities vested in the said Board of Trustees, as if he had been elected one of the original Trustees of such Board.

15. Constitution and Election of Board of Trustees for consolidated Trusts

for appointing new Trustees on Vacancies.

Notice to be given before meeting.

And be it further Enacted, That no Trustee of any such Board as aforesaid shall have power to act in virtue of such office, except as a member and at a meeting of such Board; and no act of any such meeting

16. Trustees of consolidated Trusts not to act, except at a Board.

meeting shall be valid, unless *Three* Members shall be present and concur therein.

17.

Commissioners may make Orders for the management, maintenance of Turnpike Roads, &c. when Trusts are consolidated.

And be it further Enacted, That the said Commissioners may and are hereby authorized, under their hands and seals, to make orders and regulations for the management and maintenance of the Turnpike Roads in such consolidated Trusts, and the Funds thereof, and from time to time to suspend, alter, vary, amend or rescind the same, and make any new or other orders and regulations as they from time to time shall think fit; and that all orders and regulations to be from time to time made by the said Commissioners under the authority of this Act, shall be sent by the said Commissioners to the Clerk of such consolidated Trusts to which they are intended to apply, and shall be valid and binding, and shall be obeyed as if the same were specifically made and embodied in this Act, subject nevertheless to the said power of the said Commissioners from time to time to rescind, amend, suspend or alter the same.

18.

Power for Commissioners to make Orders, &c. for management of Roads in Turnpike Trusts not consolidated.

And be it further Enacted, That the powers and authorities in this Act contained, as to the making of orders and regulations for the management and maintenance of the Turnpike Roads in a consolidated Trust, and the Funds thereof, shall and may be used and exercised, if the said Commissioners shall think fit, with respect to the Road or Roads in any Trust, although the same may not have been consolidated with any other Turnpike Trust or Trusts.

19.

Commissioners may direct Trustees of consolidated Trusts to appoint Officers, fix their Duties, mode of Appointment and Dismissal, and the Security to be taken,

And be it further Enacted, That it shall be lawful for the said Commissioners, as and when they shall see fit, to order and direct the Trustees of any consolidated Trusts to appoint such Officers with such qualifications as the said Commissioners shall think necessary for superintending or assisting in the management and maintenance of the Turnpike Roads in such consolidated Trust, and the Funds thereof, and for the examining, auditing, allowing or disallowing of the Accounts of such consolidated Trust, and otherwise carrying the provisions of this Act into execution; and the said Commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such Officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determine the continuance in office or dismissal of such Officers, and the amount and nature of the security to be given by such of the said Officers as the said Commissioners shall think ought to give security, and when the said Commissioners may see occasion, to regulate the amount of Salaries payable to such Officers respectively, and the time and mode of payment thereof, and, when necessary, the proportions in which each of the Turnpike Trusts forming a part of the consolidated Trust shall contribute to such payment; and such Salaries shall be chargeable upon and payable out of the Funds of such consolidated Trust, or of each of the said Turnpike Trusts respectively, in the manner and proportions fixed by the said Commissioners; and all such

and regulate their Salaries.

such payments shall be valid, and shall be allowed in the Accounts of the Trustees or Treasurer paying the same.

And be it further Enacted, That it shall and may be lawful to and for the Trustees of any consolidated Trusts, by and with the consent in
 5 writing under the hands and seal of the said Commissioners, to compound with any Persons entitled to any sums of Money secured by mortgage, bond or otherwise, under or by virtue of any of the Acts then in force relating to either of the Turnpike Trusts so consolidated, or under or by virtue of the General Turnpike Acts; and if any Person
 10 entitled to any such sum of Money shall be an infant or Person of nonsane memory, or when any such sum of Money, by reason of any will or settlement, or otherwise, shall be vested in any executor or administrator, or child not belonging absolutely to any one individual, then and in either of the said cases the guardian or guardians of such
 15 infant, or the committee or committees of such Person of nonsane memory, or such executor or administrator, or the person entitled to the first life interest, as the case may be, shall be and are hereby authorized to enter into such composition, and to give a legal and valid discharge to the said Trustees for the Money so secured as aforesaid.

20.
Power of
Mortgagees,
&c. to com-
pound.

And be it further Enacted, That the Trustees of each Turnpike Trust, and also of each consolidated Trust, shall, as soon as conveniently may be after they have been elected, cause an Account to be taken of all principal sums of Money secured by way of mortgage, or by means of bonds or otherwise, on the credit of the Tolls or Rates by the several
 25 Acts relating to the Trusts so consolidated respectively authorized to be taken or levied, distinguishing the amount due from each such Trust; and if the said Trustees shall deem it necessary for that purpose, shall cause Advertisements to be inserted in The London Gazette, and *Four* successive times in some one or more Newspapers published in the
 30 county in which the Roads constituting such consolidated Trust may pass, requiring all Persons claiming to be entitled to any sum or sums of Money charged by way of mortgage, or by means of bonds or otherwise, on the said Tolls so authorized to be collected by the said several Acts, to send in to the said Trustees, or to some Person or Persons to be
 35 appointed by them in that behalf, on or before a day to be named in the said Advertisement, such day being at least *Thirty* Days before the day hereinafter fixed for declaring such option as hereinafter mentioned, and not being sooner than *Three* Months from the date and time of insertion of the first of such Advertisements, the particulars of their respective claims, in order that the same may be examined, and the
 40 amount thereof, at the option of such mortgagees or other creditors, either paid to them forthwith, or secured in manner hereafter mentioned, by mortgage of the Tolls to be collected on such consolidated Trust.

21.
Commis-
sioners to
ascertain
Amount of
Sums due on
credit of Tolls
under former
Acts, and if
necessary to
advertise for
Particulars of
such Claims

And be it further Enacted, That the Persons entitled to any sums of money secured by mortgage bonds, or otherwise, under or by virtue of
 13. either

22.
Persons
having secu-
rity on Tolls,
to have their

option of
being paid off,
or of receiving
Security under
this Act.

either of the several Acts relating to the Trusts so consolidated, or of the said General Turnpike Acts on the said Tolls by either of the said several Acts authorized to be taken, shall, with the consent in writing, under the hands and seal of the said Commissioners, have the option either to have the money so secured, together with all interest due thereon, forthwith paid off and discharged, or to receive a composition in full discharge thereof, or to have such mortgages as hereinafter mentioned of the Tolls to be collected on such consolidated Trusts, executed to them by the said Trustees of the Trusts so consolidated, in lieu of their respective securities as aforesaid, and shall declare such option by some writing under their respective hands, to be addressed to the said Commissioners. 5 10

23.
In cases of
Infants, Lunatics or partial
interests, option to be declared by the
Guardians, Committees,
&c.

And be it further Enacted, That where the Person entitled to any sum of Money secured on the said Tolls by either of the several Acts relating to the Trusts so consolidated authorized to be taken, shall be an infant or person of nonsane memory, or where any such sum of Money, by reason of any will or settlement, or otherwise, shall not belong absolutely to any one individual, then and in either of the said cases the guardian or guardians of such infant, or the committee or committees of such person of nonsane memory, or the person entitled to the first life-interest in such sum of Money, as the case may be, shall be entitled to exercise such option as aforesaid, whether to have the said sum paid off, compounded for or secured as aforesaid. 15 20

24.
If no option
declared, Persons to be
considered as
electing not
to be paid off.

And be it further Enacted, That in all cases where, from the Person or Persons entitled to any sum of Money secured on the said Tolls, by either of the several Acts relating to the Trusts so consolidated authorized to be taken, being absent, or from two or more Persons being so entitled, and not agreeing amongst themselves, or from neglect or any other cause, such option as hereinbefore is given shall not be declared on or before the time fixed in the said Advertisements, the Person or Persons entitled to such sum of Money shall be considered to have elected not to have the same paid off, but to have the same secured by a mortgage of the Tolls of such consolidated Trusts. 25 30

25.
Trustees to
examine the
validity of
Claims sent
in, and to give
Information
to Creditors
desirous of
making their
option.

And be it further Enacted, That the Trustees of such consolidated Trusts shall cause the validity of all claims which shall be sent in to them in pursuance of the aforesaid provisions, to be inquired into and examined, and the total amount and particulars of such claims to be ascertained, and shall give any information, both as to the amount of such claims and the probable annual amount of the Tolls to be collected on such consolidated Trusts, and the other revenues and the expenses of the said Trustees which may be required by any of the said mortgagees, or other creditors, for the purpose of enabling them to come to a satisfactory determination in making such option as is hereby given them. 35 40

26.
Trustees may
borrow of
private Individuals.

And be it further Enacted, That it shall be lawful for the said Trustees of each consolidated Trust, with the consent in writing, under the

the hands and seal of the said Commissioners, to borrow of any Person or Persons, or body or bodies politic or corporate, on mortgage (pursuant to the provisions of the said General Turnpike Acts), of the Tolls authorized to be taken by the several Acts relating to the Trusts so consolidated, the whole or any part of the amount which may be required for the payment of or composition for the sum or sums of Money secured on the Tolls by either of the said several Acts authorized to be taken, and which the parties entitled thereto shall have declared their option to have paid off forthwith, or compounded for, pursuant to the provisions for that purpose herein contained.

And be it further Enacted, That the said Trustees shall, as soon as conveniently may be after they have obtained the consent of the said Commissioners as aforesaid, and borrowed such sum of money as aforesaid, pay the Persons entitled to any sums secured on the Tolls by the several Acts relating to the Trusts so consolidated authorized to be taken, and desirous of having the same paid off forthwith, or compounded for the amount of such principal sums, together with interest thereon, at such rate of interest as they shall respectively bear from the time to which the interest thereon shall have been then already paid up to the time of payment of such principal sum or the amount of such composition, and shall execute to the Persons entitled to any sums secured on the Tolls by either of the several Acts relating to the Trusts so consolidated authorized to be taken, and not desirous of having the same paid off forthwith, or to such Persons as they shall respectively appoint mortgagees of the Tolls authorized to be taken in such Consolidated Trusts, and of the toll-houses, gates, bars, weighing machines and other property necessary for collecting the same, for securing to the said Persons respectively the principal sums to which they shall respectively be so entitled, with interest thereon, at such rate of interest as they shall respectively bear from the time up to which such interest shall have been paid, such interest to be made payable at the days and times at which it is payable, under and by virtue of the existing mortgages, bonds or other securities, and the mortgages to be executed by the said Trustees as aforesaid, to be either in the form prescribed by the said General Turnpike Acts, or in any other form which to the said Trustees and to the intended mortgagees shall seem more convenient or proper.

27.
Trustees to pay off Creditors desirous of being paid off, and to execute Mortgages to those not desirous of being paid off.

And be it further Enacted, That no mortgage to be executed by the said Trustees in manner aforesaid, either as a substitution for or in order to raise Money for paying off and discharging any mortgage or other security now existing, and by either of the said Acts relating to any of the Trusts so consolidated authorized to be taken, or any assignment thereof, shall be liable to or charged with the payment of any Stamp Duty; any thing in any Acts of Parliament to the contrary thereof in anywise notwithstanding.

28.
Such Mortgages and Assignments to be free of Stamp Duty.

29.
Provision for
payment of
Money to
which Infants
may be enti-
tled.

And be it further Enacted, That where any Infant or Person of nonsane memory shall be entitled to any sum of money to be payable under the provisions hereinbefore contained, or where the mortgage, bond or other security in respect of which any sum shall be payable, shall, by any deed, will or otherwise, have been settled, limited or given to or upon or for the benefit of Persons not taking absolute interests therein, the same shall be paid to the guardian or guardians of such infant, the committee or committees of such person of nonsane memory, or the trustees in whom such mortgage, bond or other security shall be vested, as the case may be; and the receipts of such guardians, committees and trustees shall be sufficient discharges to the said Trustees of the Consolidated Turnpike Trusts, and shall exonerate them from being liable for the misapplication or nonapplication of the sums mentioned in such receipts; and in the instance last mentioned, if there shall be no trustee in whom such mortgage, bond or other security shall be vested, the sums of Money shall be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account "ex-parte the Trustees of the Consolidated Turnpike Trust," pursuant to the method prescribed by an Act made in the first year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the appointment of an Accountant General and two Masters of the said Court, and for other purposes, and the General Orders of the said Court," and without fee or reward, and shall, when so paid in, be invested by the said Accountant General in his name in the purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum per Annum Reduced Bank Annuities; and the said Consolidated or Reduced Bank Annuities, and the dividends thereof, shall be transferred and paid respectively by order of the said Court, such order to be made upon petition, to be presented in a summary way, to the persons who would have been respectively entitled to the principal and interest of the money in discharge of which the same shall have been so paid in case this Act had not been made; and in the like manner in which such persons would have been respectively entitled to the principal and interest of the said money; and the Receipt of the Cashier or Cashiers of the Bank (which Receipt the said Cashier or Cashiers is and are hereby required to give) shall be a sufficient discharge to the said Trustees of the Consolidated Turnpike Trusts, for the sum so paid in.

30.
Mortgages to
be made as
aforesaid to be
entitled to no
priority one
over the
other;

And be it further Enacted, That all the several mortgages to be executed in manner aforesaid by the said Trustees, either as a substitution for or in order to raise money for paying off and discharging any sum secured by mortgage, bond or other security on the Tolls by any of the Acts relating to either of the Trusts so consolidated authorized to be taken, shall be considered as standing *pari passu*, and not entitled to any priority the one over the other; but the several mortgagees shall be tenants in common of the said Tolls authorized to be taken

taken on such consolidated Trusts, and of the tollhouses, gates, bars, weighing machines and other property comprised in their respective mortgages, and their several shares therein, shall be proportionate to the amount of the sums secured by their respective mortgages :

- 5 Provided always, That all the said mortgages to be executed in manner aforesaid by the said Trustees, either as a substitution for or in order to raise Money for paying off or discharging any sum secured by mortgage, bond or other security on the Tolls by any of the Acts relating to either of the Trusts so consolidated authorized to be taken, shall
- 10 have a priority over every subsequent mortgage which may hereafter be executed by the said Trustees, under the powers of this Act or of the said General Turnpike Acts, and all such subsequent mortgages shall have priority the one over the other of them, according to their respective dates and times of execution (unless provision to the contrary
- 15 shall be expressly inserted in any such mortgage, declaring that it shall not be entitled to priority over any future mortgage or mortgages, and that either generally or specifying the amount of such future mortgage or mortgages); and all such subsequent mortgages shall be either in the form prescribed by the said General Turnpike Acts, or in any other
- 20 form which the Commissioners appointed under and by virtue of this Act may think more suitable; any thing in the said General Turnpike Acts to the contrary notwithstanding.

but to have priority over subsequent Mortgages, and subsequent Mortgages to have priority over one another, unless provision is made to the contrary.

- And be it further Enacted, That all and every Tolls by the several Acts relating to the Trusts so consolidated, and by the said General
- 25 Turnpike Acts authorized to be taken on the said Roads of each of the said Trusts so consolidated, shall be vested in the said Trustees of such consolidated Trusts; and the sums arising therefrom, and from any Trust Estates, and all other sums which by virtue of the several Acts relating to the Trusts so consolidated, or of the said General
- 30 Turnpike Acts, shall be payable to the said Trustees of such consolidated Trust, shall be applied for the purposes and in the manner following; (that is to say) first, in paying the Annuities and the Interest of the several Sums by either of the several Acts relating to the Trusts so consolidated, or by this Act charged or directed to be charged
- 35 upon or made payable out of the said Tolls, Rates and Assessments, and all other Monies; secondly, in amending, widening, lighting, watching, paving, draining, maintaining and repairing and keeping in repair, according to the provisions of the several Acts relating to the Trusts so consolidated, and of this Act, and of the said General Turnpike
- 40 Acts, the said Roads on each of the said Trusts so consolidated, and in erecting, removing, altering and repairing Tollgates, Tollhouses, Weighing Machines and other erections necessary for the due collecting of the Tolls so authorized to be taken, and for other the purposes in each of the said several Acts and the General Turnpike Acts contained;
- 45 and, lastly, in paying off the principal sums by this Act charged, or directed to be charged, upon, or which may hereafter, under the powers of this Act, or of the said General Turnpike Acts, be borrowed upon the security of the said Tolls of such consolidated Trust.

31.
Application
of Tolls and
Monies.

32.
On consolidation of Trusts, provisions of local Acts relating to each Trust and General Turnpike Acts, to be applicable to each Trust, except, &c.

And be it further Enacted, That on consolidation of any Turnpike Trusts, for the purpose of regulating the management and maintenance of the Turnpike Roads on such Trusts, and the Funds thereof, all the powers, provisions and authorities in any local Act or Acts contained, relating to either of the Trusts so consolidated, as well as the powers, provisions and authorities of the General Turnpike Acts, shall continue to be applicable to such respective Trusts, except so far as the same may be altered by this Act. 5

33.
Estimate of projected Works, &c. exceeding 100 £. to be submitted to Commissioners, and not carried into effect without their consent.

And be it further Enacted, That from and after the *passing of this Act* it shall not be lawful for the Trustees of any Turnpike Trust, or consolidated Trust, to expend on any work or improvement more than the sum of *One hundred Pounds*, without first submitting to the said Commissioners the particulars of such projected work or improvement, and obtaining their consent thereto. 10

34.
Securing Rights, &c. of Creditors, &c.

And be it further Enacted, That no consolidation or union of Turnpike Trusts, or dissolution or alteration thereof, or addition thereto, shall in any manner (except as aforesaid), prejudice, vary or affect the rights or interests of any creditor or mortgagee, or other party, under any of the Acts relating to either of the Trusts so consolidated, or in the event of a dissolution or alteration thereof, or addition thereto, unless such creditor or mortgagee or other party shall consent, in writing, to such dissolution, alteration or addition. 15 20

35.
To continue until the several Acts for regulating Turnpike Roads in Great Britain, which will expire with the present or next Session of Parliament.

And be it further Enacted, That all and every Act and Acts for making, amending and repairing any Turnpike Roads in Great Britain which will expire with the present Session of Parliament, or at any time during the space of Ten Years after the *passing of this Act*, shall be and the same is and are hereby continued until the *First* day of *June One thousand eight hundred and Forty-seven*, or if Parliament shall then be sitting, until the *End* of the then Session of Parliament. 25

36.
Local Acts not to be amended without consent of Commissioners.

And be it further Enacted, That no application shall be made to Parliament for any Local Turnpike Act, nor for the alteration, amendment or renewal of any Local Turnpike Act already passed, unless with the consent, in writing, under the hands and seal of the said Commissioners. 30

37.
No Order or Regulation of Commissioners to be removed by Certiorari.

And be it further Enacted, That no order or regulation made by the said Commissioners under the authority of this Act, shall be removed or removable by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster. 35

38.
Justices at Special Sessions to inquire into the Revenues, and condition of the Repairs of Turnpike Roads.

AND whereas by law persons have heretofore been liable to do statute work on Turnpike Roads, or to pay a composition in lieu thereof; but, by an Act passed in the fifth and sixth year of the reign of His present Majesty, intituled, "An Act to consolidate and amend the Laws relating to Highways in that part of Great Britain called England," 40

England," all statute work is abolished : AND whereas by the said Act it is provided, that at the special Sessions for the Highways, held next after the twenty-fifth day of March in every year, the Surveyor of every parish shall make a Return of the length of the Roads within his parish ;
5 BE it Enacted, That every such Surveyor shall in such Return distinguish how much of such Roads is Turnpike Road ; and that it shall be lawful for the Justices at such Special Sessions, upon application made to them by or on the part of any *Three* or more of the Trustees or Commissioners of any Turnpike Road within such parish (notice in writing
10 of such intended application having been previously given by or on the part of the said Trustees or Commissioners to such Parish Surveyor days at least before such Special Sessions) to examine the state of the revenues and debts of such Turnpike Road, and to inquire into the state and condition of the repairs thereof ; and if, after such
15 examination, it shall appear to the said Justices necessary or expedient for the purposes of such Turnpike Road so to do, then to adjudge and determine what portion (if any) of the Rate or Assessment levied by virtue of the said Act shall be paid by the said Parish Surveyor, and at what time to the said Trustees or Commissioners, or to their Treasurer
20 or other officer appointed by them in that behalf, such Money to be wholly laid out on such part of such Turnpike Road as lies within the parish from which it was received : Provided always, That the portion so to be adjudged and determined, shall not be greater as compared with the whole of such Rate or Assessment than the length of the said
25 Turnpike Road, as compared with the length of all the Highways within the said parish including the said Turnpike Road.

And be it further Enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such portion of the said Rate or Assessment at the time and in the manner mentioned in the order of the said
30 Justices, the same shall and may be levied upon the goods and chattels of such Surveyor in such manner as penalties and forfeitures are by the said Act authorized to be levied.

39.
If Surveyor
refuse to pay
over Rate or
Assessment,
same to be
levied on his
goods and
chattels.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed during the present Session
35 of Parliament.

40.
Act may be
amended, &c.
this Session.

And be it further Enacted, That this Act shall be deemed a Public Act, and shall extend to that part of Great Britain called England, and be judicially taken notice of as such, by all Judges, Justices and other persons whatsoever, without the same being specially shown or pleaded.

41.
Public Act.

Turnpike Roads Consolidation.

A

B I L L

To authorize the Consolidation of the Trusts
of the Turnpike Roads in that part of
Great Britain called England.

(Prepared and brought in by
Mr. Fox Maule and Mr. Shaw Lefevre.)

Ordered, by The House of Commons, to be Printed,
9 February 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To authorize the Consolidation of the Trusts of Turnpike Roads
in that part of *Great Britain* called *England*.

5 **W**HEREAS it is expedient, in order to lessen the expense of the management and maintenance of Turnpike Roads in that part of *Great Britain* called *England*, that power should be given to consolidate the Trusts of such Turnpike Roads; **BE it**
10 **therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT one of His Majesty's Principal Secretaries of State, His Majesty's Postmaster General for the time
15 being, and the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

And be it further Enacted, That it shall be lawful for the Lord
15 High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, by any writing under their hands, to appoint any other Person or Persons, not being more than Six in number, to be a Commissioner or Commissioners for carrying this Act into execution; and every Person or Persons who
20 shall be so appointed, is and are hereby vested with the same powers and authorities as if he or they had been named in this present Act, and had been thereby appointed a Commissioner or Commissioners for carrying this Act into execution.

And be it further Enacted, That the said Commissioners shall be styled "The Commissioners for consolidating Turnpike Trusts;" and

Preamble.

1.
Appointment of Commissioners to carry Act into execution.

2.
Power to appoint additional Commissioners.

3.
Style of Commissioners;

who may sit as a Board, with power to summon and examine Witnesses, and call for production of Papers, &c.

the said Commissioners, or any Three of them, (one, but not not more than one, of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings being present), may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution ; and the said Commissioners, acting 5 as such Board, shall be and are hereby empowered, by summons under their hands and seal, to require the attendance of all such Persons as they may think fit to call before them, upon any question or matter connected with or relating to the management and maintenance and the funds of Turnpike Roads in that part of *Great Britain* called 10 *England* ; and also to make any inquiries, and require any answer, or returns, as to any such question or matter ; and also to examine all such Persons, and to require and enforce the production of Books, Contracts, Agreements, Accounts, Writings, Plans, Maps, Papers and Documents, or Copies thereof respectively, in anywise relating to 15 any such question or matter ; and the said Commissioners may, if they think fit, require any such Person to make and subscribe a Declaration of the truth of the matters respecting which he shall have been or shall be so examined : Provided always, That no such Person shall be obliged, by any such summons, to go or travel more than Twenty Miles from the 20 place of his abode.

4.
To have a Common Seal.

Orders, &c.
purporting to be sealed with such Seal, to be received as Evidence.

And be it further Enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed and stamped therewith all Orders and Regulations made by them ; and all such Orders and Regulations, or copies thereof, purporting to 25 be sealed or stamped with the seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof ; and no such Order or Regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid. 30

5.
Commissioners to record their Proceedings.

And be it further Enacted, That the said Commissioners shall make a record of their proceedings, in which shall be entered, in writing, a reference to every Letter received, from whence, its date, the date of its reception, and the subject to which it relates ; and a minute of every Letter written, or Order given, by the said Commissioners, whether 35 in answer to such Letters received or otherwise, with the Date of the same, and a minute of the opinion of each of the members of the Board of Commissioners, in case they should finally differ in opinion upon any Order to be given, or other proceeding of the Board ; and such record shall be submitted to one of His Majesty's Principal 40 Secretaries of State once in every year, or as often as he shall require the same.

6.
Commissioners to make a General Report to the Secretary of State yearly,

And be it further Enacted, That the said Commissioners shall, once in every year, submit to one of the Principal Secretaries of State a general Report of their Proceedings ; and every such general Report shall

shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be then sitting; or if Parliament be not sitting, then within Six Weeks after the next meeting thereof.

to be laid before Parliament:

5 And be it further Enacted, That the said Commissioners shall from time to time, at such times as any one of His Majesty's Principal Secretaries of State shall direct, give to the Principal Secretary of State requiring the same, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall
10 require.

7.
And to report Proceedings to the Secretary of State when required.

And be it further Enacted, That the said Commissioners may, and they are hereby empowered from time to time to appoint all such Officers as they shall deem necessary to carry this Act into execution and from time to time, at the discretion of the said Commissioners, to
15 remove such Officers, or any of them, and to appoint others in their stead: Provided always, That the amount of the remuneration to such Officers shall from time to time be regulated by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them.

8.
Commissioners to appoint Officers.

20 And be it further Enacted, That it shall be lawful for the said Commissioners to delegate to any one or more of their Officers such of the powers and authorities hereby given to the said Commissioners (except the power to unite, dissolve, add to or take from Turnpike Trusts) as the said Commissioners shall think fit; and the powers and authorities
25 so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places for such periods, and under such circumstances, and subject to such regulations, as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter, or vary all or any
30 of the powers and authorities which shall be so delegated as aforesaid; and notwithstanding the delegation thereof, may act as if no such delegation had been made; and such Officer or Officers may and is and are hereby empowered to summon before him or them such Persons as he or they may think necessary for the purpose of being examined,
35 upon any question or matter relating to the management and maintenance of the Turnpike Roads, or to the Funds thereof, or for the purpose of producing and verifying by declaration (which declaration such Officer or Officers is and are hereby authorized to take and receive), any Books, Contracts, Agreements, Accounts, Writings, Plans, Maps,
40 Papers and Documents, or Copies of the same, in anywise relating to such question or matter as such Officer or Officers may think fit, but so that no such Person shall be required, in obedience to any such summons, to go or travel more than Twenty Miles from the place of his abode; and all Summonses and Orders made by any such Officer or Officers in pursuance or exercise of such delegated powers and authorities, shall be obeyed, performed and carried into effect by all Persons

9.
Commissioners may delegate Powers, and revoke them.

Examination of Persons.

as if such Summons or Order had been the Summons or Order of the said Commissioners ; and the breach, non-observance or non-performance thereof shall be punishable in like manner.

10.
Persons giving
false Evi-
dence,
refusing to
attend, &c.
guilty of Mis-
demeanor.

And be it further Enacted, That if any Person, upon any examina- 5
tion under the authority of this Act, shall wilfully and corruptly give
false Evidence, or shall subscribe a false Declaration, or if any Person
shall wilfully refuse to attend in obedience to any summons of the
said Commissioners, or of such Officer or Officers as last aforesaid, or
shall wilfully refuse to give evidence, or shall wilfully alter, suppress, 10
conceal, destroy or refuse to produce any books, contracts, agreements,
accounts, writings, plans, maps, papers and documents, or copies of the
same respectively, which may be so required to be produced before the
said Commissioners, or such Officer or Officers, every Person so offend-
ing shall be deemed guilty of a Misdemeanor.

11.
Reasonable
Expenses of
Witnesses to
be paid, and
by whom.

And be it further Enacted, That it shall be lawful for the said Com- 15
missioners to order and allow such Expenses of Witnesses, and of
or attending the production of any Books, Contracts, Agreements, Ac-
counts Writings, Plans, Maps, Papers and Documents, or Copies
thereof, to or before the said Commissioners, or such Officer or Officers
as last aforesaid, as such Commissioners may deem reasonable to be 20
paid, as follows ; (that is to say) out of the Funds of the Turnpike Trust,
which in the opinion of the said Commissioners shall be interested or
concerned in such attendance or production respectively, in all cases in
which such witnesses shall not go or travel more than Twenty Miles ;
and in all other cases the expenses so ordered or allowed shall be 25
deemed as part of the incidental expenses attending the execution of
this Act, and be paid accordingly.

12.
Turnpike
Trusts may
be united by
Commis-
sioners.

And be it further Enacted, That it shall be lawful for the said Com-
missioners, by order, to declare so many Turnpike Trusts as they may
think fit to be consolidated and united, for the purpose of the manage- 30
ment and maintenance of the Turnpike Roads in such Trusts, or for
the purpose of the management and maintenance of such Turnpike
Roads, and of the Funds thereof, and with such restrictions and limi-
tations as to the said Commissioners may seem meet and reasonable ;
and such Trusts shall thereupon be deemed a consolidation or union 35
accordingly.

13.
Copy of Order
for Consolida-
tion to be sent
to each Trust,
and deposited
with Clerk of
Peace.

And be it further Enacted, That a Copy of the said Order for the
consolidation of such Turnpike Trusts as aforesaid shall be sent to the
Clerk of each Turnpike Trust so consolidated, and also to the Clerk of
the Peace of each county, riding, division, district or liberty in which 40
any of the Roads comprised within the said Trusts may be situate ; and
the said Clerk of the Peace shall and is hereby required, upon the receipt
of such Order, to file the same with the records of such county,
riding, division, district or liberty.

And

14.
Power to dis-
solve, add to,
or take from
any Consoli-
dated Trusts;

and thereupon
to make such
Orders as may
be adapted to
its altered
state.

15.
Constitution
and Election
of Board of
Trustees for
consolidated
Trusts

for appointing
new Trustees
on Vacancies.

Notice to be
given before
meeting.

And be it further Enacted, That it shall be lawful for the said Com-
missioners from time to time, as they may see fit, by order, to declare
any consolidation of Turnpike Trusts to be dissolved, or any Turnpike
Trust or Trusts, specifying the same to be separated from or added to
5 any such consolidation, and, as the case may be, such consolidation
shall thereupon be dissolved, or such Turnpike Trust or Trusts shall
thereupon be separated from or added to such consolidation accord-
ingly; and the said Commissioners shall in every such case frame and
make such orders and regulations as they may think fit for adapting the
10 constitution, management and Board of Trustees of every such consolida-
tion, from or to which there shall be such separation or addition as afore-
said to the altered state of the same; and every such consolidation shall,
after any such alteration, be constituted, managed and governed as if the
same had been originally formed in such altered state; and in case any
15 such consolidation shall be wholly or partially dissolved as aforesaid,
then the Turnpike Trusts constituting, or, in case of partial dissolution,
separated from any such consolidation, shall thenceforth be subject to
be re-united or united with other Turnpike Trusts, or otherwise dealt
with, according to the provisions of this Act, as the said Commissioners
20 shall think fit.

And be it further Enacted, That where any Turnpike Trusts shall
be consolidated and united, by order of the said Commissioners, a
Board of Trustees, shall be constituted and elected by and from the
persons who, at the time of such consolidation being made, were the
25 Trustees of such Trusts so consolidated; and the said Commissioners
shall determine the mode of election, the number of the Trustees to be
elected in each consolidation, and also the number of Trustees to be
elected for any one or more of such Trusts so consolidated; and such
Board of Trustees shall have, use and exercise over each of the Trusts
30 so consolidated and united, the same powers and authorities as the
Trustees acting under any local Act or otherwise had over the same
previous to such consolidation and union; and in case of the death,
refusal to act or disqualification of any of the Board of Trustees of such
consolidated Trust, it shall be lawful for the surviving or remaining
35 Trustees from time to time to elect and appoint one other fit Person
duly qualified to be a Trustee of a Turnpike Road, and who shall reside
in a Parish, through which the Roads or some portion thereof com-
prised in the Turnpike Trust for which the Trustee so dying refusing
to act or becoming disqualified, had acted, shall pass in the room of every
40 Trustee so dying, refusing to act, or becoming disqualified, provided
that notice of the time and place of meeting of the Trustees for every
such election be given by the Clerk to such consolidated Trusts, by
inserting such notice Two Weeks consecutively in one or more of the
Newspapers circulated in that part of the county where such Roads
45 shall pass within Twenty-one Days before every such meeting, provided
that no such meeting shall be holden until the period of Seven Days
clear shall have elapsed from the second insertion of such notice.

16.

Justices of
the Peace to
be added to
Trustees.

And be it further Enacted, That all His Majesty's Justices of the Peace for the time being acting for and residing within the division through which any Turnpike Road in any Trust which shall be consolidated or united under and by virtue of this Act shall pass, shall be added to and joined with the Trustees of such Trusts so consolidated, and every such Justice of the Peace, as well as every Person who shall be so elected and appointed a Trustee as aforesaid, in the room of any Trustee, dying, refusing to act, or becoming disqualified, shall and may act with the surviving and remaining Trustees in the execution of this Act, and of the several powers and authorities vested in the said Board of Trustees, as if he had been elected one of the original Trustees of such Board.

17.

Trustees of
consolidated
Trusts not to
act, except at
a Board.

And be it further Enacted, That no Trustee of any such Board as aforesaid shall have power to act in virtue of such office, except as a member and at a meeting of such Board; and no act of any such meeting shall be valid, unless Three Members shall be present and concur therein.

18.

Commissioners
may suspend
Orders made
after 25th
March 1836
for the ma-
nagement,
maintenance
of Turnpike
Roads, &c.
when Trusts
are consoli-
dated.

And be it further Enacted, That the said Commissioners may and are hereby authorized, by order under their hands and seal, to suspend the carrying into effect any order, resolution or regulation which may from and after the Twenty-fifth day of March, in the year of our Lord One thousand eight hundred and Thirty-six, be made by the Trustees of any Turnpike Trust, or Consolidated Trusts, and that all such orders of the said Commissioners for that purpose shall be sent to the Clerk of such Turnpike Trust or Consolidated Trusts to which they apply.

19.

Commission-
ers may direc
Trustees of
consolidated
Trusts to
appoint
Officers, and
amount of
security to be
taken.

And be it further Enacted, That it shall be lawful for the said Commissioners from time to time, as and when they shall see fit, to direct the Trustees of any Consolidated Trusts to appoint Officers with such qualifications as the said Commissioners shall think necessary for superintending or assisting in the management and maintenance of the Turnpike Roads in such Consolidated Trust, and the Funds thereof, and for the examining, auditing, allowing or disallowing of the Accounts of such Consolidated Trust, and otherwise carrying the provisions of this Act into execution; and the said Commissioners may and they are hereby empowered to fix and determine the amount and nature of the security to be given by such of the said Officers as the said Commissioners shall think ought to give security, and the Salaries payable to such Officers shall be chargeable upon and payable out of the Funds of such Consolidated Trust, or of each of the said Turnpike Trusts respectively, in the manner and proportions fixed by the said Commissioners; and all such payments shall be valid, and shall be allowed in the Accounts of the Trustees or Treasurer paying the same: Provided always, That the amount of such Salary may from time to time be regulated by the said Commissioners, and that no Officer appointed by the Trustees of any Turnpike Trust, or Consolidated Trusts, shall be dismissed or removed from his office without

without the concurrence of the said Commissioners in writing under their hands and seal.

And be it further Enacted, That it shall and may be lawful to and for the Trustees of any consolidated Trusts, by and with the consent in writing under the hands and seal of the said Commissioners, to compound with any Persons entitled to any sums of Money secured by mortgage, bond or otherwise, under or by virtue of any of the Acts then in force relating to either of the Turnpike Trusts so consolidated, or under or by virtue of the General Turnpike Acts; and if any Person entitled to any such sum of Money shall be an infant or Person of nonsane memory, or when any such sum of Money, by reason of any will or settlement, or otherwise, shall be vested in any executor or administrator, or infant, or shall not belong absolutely to any one individual, then and in either of the said cases the guardian or guardians of such infant, or the committee or committees of such Person of nonsane memory, or such executor or administrator, or the person entitled to the first life interest, as the case may be, shall be and are hereby authorized to enter into such composition, and to give a legal and valid discharge to the said Trustees for the Money so secured as aforesaid.

20.
Power of
Mortgagees,
&c. to com-
pound.

And be it further Enacted, That the Trustees of each Turnpike Trust, and also of each consolidated Trust, shall cause an Account to be taken of all principal sums of Money due or secured by way of mortgage, or by means of bonds or otherwise, on the credit of the Tolls or Rates by the several Acts relating to any such Turnpike Trusts or consolidated Trusts respectively authorized to be taken or levied, distinguishing the amount due from each such Trust; and if the said Trustees shall deem it necessary for that purpose, shall cause Advertisements to be inserted in The *London Gazette*, and Four successive times in some one or more Newspapers published in the county in which the Roads constituting such Trusts respectively may pass, requiring all Persons claiming to be entitled to any sum or sums of Money charged by way of mortgage, or by means of bonds or otherwise, on the said Tolls so authorized to be collected by the said several Acts, to send in to the said Trustees, or to some Person or Persons to be appointed by them in that behalf, on or before a day to be named in the said Advertisement, such day being at least Thirty Days before the day hereinafter fixed for declaring such option as hereinafter mentioned, and not being sooner than Three Months from the date and time of insertion of the first of such Advertisements, the particulars of their respective claims, in order that the same may be examined.

21.
Commis-
sioners to
ascertain
Amount of
Sums due on
credit of Tolls
under forme
Acts, and if
necessary to
advertise for
Particulars of
such Claims.

And be it further Enacted, That the Persons entitled to any sums of money secured by mortgage bonds, or otherwise, under or by virtue of the General Turnpike Acts, or of either of the several Acts relating to the Trusts consolidated by order of the said Commissioners for the purposes of the management and maintenance of the Roads and of the Funds thereof, shall have the option either to have the

22.
Persons
having secu-
rity on Tolls,
to have their
option of
being paid off,
or of receiving
Composition
or Security
under this Act

money so secured, together with all interest due thereon, forthwith paid off and discharged, or to receive a composition in full discharge thereof, or to have such mortgages as hereinafter mentioned of the Tolls to be collected on such consolidated Trusts, executed to them by the said Trustees of the Trusts so consolidated, in lieu of their respective securities as aforesaid, and shall declare such option by some writing under their respective hands, to be addressed to the said Commissioners. 5

23.

In cases of Infants, Lunatics or partial interests, option to be declared by the Guardians, Committees, &c.

And be it further Enacted, That where the Person entitled to any sum of Money secured on the said Tolls by either of the several Acts relating to the Trusts so consolidated authorized to be taken, shall be an infant or person of nonsane memory, or where any such sum of Money, by reason of any will or settlement, or otherwise, shall not belong absolutely to any one individual, then and in either of the said cases the guardian or guardians of such infant, or the committee or committees of such person of nonsane memory, or the person entitled to the first life-interest in such sum of Money, as the case may be, shall be entitled to exercise such option as aforesaid, whether to have the said sum paid off, compounded for or secured as aforesaid. 10 15

24.

If no option declared, Persons to be considered as electing not to be paid off.

And be it further Enacted, That in all cases where, from the Person or Persons entitled to any sum of Money secured on the said Tolls, by either of the several Acts relating to the Trusts so consolidated authorized to be taken, being absent, or from two or more Persons being so entitled, and not agreeing amongst themselves, or from neglect or any other cause, such option as hereinbefore is given shall not be declared on or before the time fixed in the said Advertisements, the Person or Persons entitled to such sum of Money shall be considered to have elected not to have the same paid off, but to have the same secured by a mortgage of the Tolls of such consolidated Trusts. 20 25

25.

Trustees to examine the validity of Claims sent in, and to give Information to Creditors desirous of making their option.

And be it further Enacted, That the Trustees of such consolidated Trusts shall cause the validity of all claims which shall be sent in to them in pursuance of the aforesaid provisions, to be inquired into and examined, and the total amount and particulars of such claims to be ascertained, and shall give any information, both as to the amount of such claims and the probable annual amount of the Tolls to be collected on such consolidated Trusts, and the other revenues and the expenses of the said Trustees which may be required by any of the said mortgagees, or other creditors, for the purpose of enabling them to come to a satisfactory determination in making such option as is hereby given them. 30 35 40

26.

Trustees may borrow of private Individuals.

And be it further Enacted, That it shall be lawful for the said Trustees of each consolidated Trust, with the consent in writing, under the hands and seal of the said Commissioners, to borrow of any Person or Persons, or body or bodies politic or corporate, on mortgage (pursuant to the provisions of the said General Turnpike Acts), of the Tolls authorized

authorized to be taken by the several Acts relating to the Trusts so consolidated, the whole or any part of the amount which may be required for the payment of or composition for the sum or sums of Money secured on the Tolls by either of the said several Acts authorized to be taken, and which the parties entitled thereto shall have declared their option to have paid off forthwith, or compounded for, pursuant to the provisions for that purpose herein contained.

And be it further Enacted, That the said Trustees shall, as soon as conveniently may be, after they have borrowed such sum of money as aforesaid, pay the Persons entitled to any sums secured on the Tolls by the several Acts relating to the Trusts so consolidated authorized to be taken, and desirous of having the same paid off forthwith, or compounded for the amount of such principal sums, together with interest thereon, at such rate of interest as they shall respectively bear from the time to which the interest thereon shall have been then already paid up to the time of payment of such principal sum or the amount of such composition, and shall execute to the Persons entitled to any sums secured on the Tolls by either of the several Acts relating to the Trusts so consolidated authorized to be taken, and not desirous of having the same paid off forthwith, or to such Persons as they shall respectively appoint mortgagees of the Tolls authorized to be taken in such Consolidated Trusts, and of the toll-houses, gates, bars and other property necessary for collecting the same, for securing to the said Persons respectively the principal sums to which they shall respectively be so entitled, with interest thereon, at such rate of interest as they shall respectively bear from the time up to which such interest shall have been paid, such interest to be made payable at the days and times at which it is payable, under and by virtue of the existing mortgages, bonds or other securities, and the mortgages to be executed by the said Trustees as aforesaid, to be either in the form prescribed by the said General Turnpike Acts, or in any other form which to the said Commissioners and to the intended mortgagees shall seem more convenient or proper.

27.
Trustees to pay off Creditors desirous of being paid off, and to execute Mortgages to those not desirous of being paid off.

And be it further Enacted, That no mortgage to be executed by the said Trustees in manner aforesaid, either as a substitution for or in order to raise Money for paying off and discharging any mortgage or other security now existing, and by either of the said Acts relating to any of the Trusts so consolidated authorized to be taken, or any assignment thereof, shall be liable to or charged with the payment of any Stamp Duty; any thing in any Acts of Parliament to the contrary thereof in anywise notwithstanding.

28.
Such Mortgages and Assignments to be free of Stamp Duty.

And be it further Enacted, That where any Infant or Person of ronsane memory shall be entitled to any sum of money to be payable under the provisions hereinbefore contained, or where the mortgage, bond or other security in respect of which any sum shall be payable, shall, by any deed, will or otherwise, have been settled, limited or given

29.
Provision for payment of Money to which Infants may be entitled.

to or upon or for the benefit of Persons not taking absolute interests therein, the same shall be paid to the guardian or guardians of such infant, the committee or committees of such person of nonsane memory, or the trustees in whom such mortgage, bond or other security shall be vested, as the case may be; and the receipts of such guardians, committees and trustees shall be sufficient discharges to the said Trustees of the Consolidated Turnpike Trust, and shall exonerate them from being liable for the misapplication or nonapplication of the sums mentioned in such receipts; and in the instance last mentioned, if there shall be no trustee in whom such mortgage, bond or other security shall be vested, the sums of Money shall be paid into the Bank of *England*, in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account "ex-parte the Trustees of the Consolidated Turnpike Trust," pursuant to the method prescribed by an Act made in the first year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better securing the Monies and Effects paid into the Court of Exchequer at *Westminster* on account of the Suitors of the said Court, and for the appointment of an Accountant General and two Masters of the said Court, and for other purposes, and the General Orders of the said Court," and without fee or reward, and shall, when so paid in, be invested by the said Accountant General in his name in the purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum per Annum* Reduced Bank Annuities; and the said Consolidated or Reduced Bank Annuities, and the dividends thereof, shall be transferred and paid respectively by order of the said Court, such order to be made upon petition, to be presented in a summary way, to the persons who would have been respectively entitled to the principal and interest of the money in discharge of which the same shall have been so paid in case this Act had not been made, and in the like manner in which such persons would have been respectively entitled to the principal and interest of the said money; and the Receipt of the Cashier or Cashiers of the Bank (which Receipt the said Cashier or Cashiers is and are hereby required to give) shall be a sufficient discharge to the said Trustees of the Consolidated Trust, for the sum so paid in.

30.
Mortgages to be made as aforesaid to be entitled to no priority one over the other;

but to have priority over subsequent Mortgages, and subsequent Mortgages to have priority over one another, unless provision is made to the contrary.

And be it further Enacted, That all the several mortgages to be executed in manner aforesaid by the said Trustees, either as a substitution for or in order to raise money for paying off and discharging any sum secured by mortgage, bond or other security on the Tolls by any of the Acts relating to either of the Trusts so consolidated authorized to be taken, shall be considered as standing *pari passu*, and not entitled to any priority the one over the other; but the several mortgages shall be tenants in common of the said Tolls authorized to be taken on such Consolidated Trust, and of the tollhouses, gates, bars and other property comprised in their respective mortgages, and their several shares therein, shall be proportionate to the amount of the sums secured by their respective mortgages: Provided always, That all the said mortgages to be executed in manner aforesaid by the said Trustees, either as a substitution for or in order to raise Money for paying

paying off or discharging any sum secured by mortgage, bond or other security on the Tolls by any of the Acts relating to either of the Trusts so consolidated authorized to be taken, shall have a priority over every subsequent mortgage which may hereafter be executed by the said Trustees, under the powers of this Act or of the said General Turnpike Acts, and all such subsequent mortgages shall have priority the one over the other of them, according to their respective dates and times of execution (unless provision to the contrary shall be expressly inserted in any such mortgage, declaring that it shall not be entitled to priority over any future mortgage or mortgages, and that either generally or specifying the amount of such future mortgage or mortgages); and all such subsequent mortgages shall be either in the form prescribed by the said General Turnpike Acts, or in any other form which the Commissioners appointed under and by virtue of this Act may think more suitable; any thing in the said General Turnpike Acts to the contrary notwithstanding.

And be it further Enacted, That all and every Tolls by the several Acts relating to the Trusts so consolidated, and by the said General Turnpike Acts authorized to be taken on the said Roads of each of the said Trusts so consolidated, shall be vested in the said Trustees of such consolidated Trust; and the sums arising therefrom, and from any Trust Estates, and all other sums which by virtue of the several Acts relating to the Trusts so consolidated, or of the said General Turnpike Acts, shall be payable to the said Trustees of such consolidated Trust, shall be applied for the purposes and in the manner following; (that is to say) first, in paying the Annuities and the Interest of the several Sums by either of the several Acts relating to the Trusts so consolidated, or by this Act charged or directed to be charged upon or made payable out of the said Tolls and other Monies; secondly, in maintaining, repairing and keeping in repair, amending, widening, draining, lighting, watching and paving, according to the provisions of the several Acts relating to the Trusts so consolidated, and of this Act, and of the said General Turnpike Acts, the said Roads on each of the said Trusts so consolidated, and in erecting, removing, altering and repairing Tollgates, Tollhouses and other erections necessary for the due collecting of the Tolls so authorized to be taken, and for other the purposes in each of the said several Acts and the General Turnpike Acts contained; and, lastly, in paying off the principal sums by this or any former Act charged, or directed to be charged, upon, or which may hereafter, under the powers of this Act, or of the said General Turnpike Acts, be borrowed upon the security of the said Tolls of such consolidated Trust.

31.
Application
of Tolls and
Monies.

And be it further Enacted, That on consolidation of any Turnpike Trusts, all the powers, provisions and authorities in any local Act or Acts contained, relating to any of the Trusts so consolidated, as well as the powers, provisions and authorities of the General Turnpike Acts, shall continue to be applicable to such respective Trusts, except so far as the same may be altered or controlled by this Act.

32.
On consolidation
of Trusts, provi-
sions of local
Acts relating
to each Trust
and General
Turnpike
Acts, to be
applicable to
each Trust,
except, &c.

33.
Securing
Rights, &c. of
Creditors, &c.

And be it further Enacted, That no consolidation or union of Turnpike Trusts, or dissolution or alteration thereof, or addition thereto, shall in any manner prejudice, vary or affect the rights or interests of any creditor or mortgagee, or other party, under any of the Acts relating to either of the Trusts so consolidated, or in the event of a dissolution or alteration thereof, or addition thereto, unless such creditor or mortgagee or other party shall consent, in writing, to such dissolution, alteration or addition. 5

34.
Local Acts not
to be amended
without con-
sent of Com-
missioners.

And be it further Enacted, That no application shall be made to Parliament for any Local Turnpike Act, nor for the alteration, amend- 10
ment or renewal of any Local Turnpike Act already passed, unless with the consent, in writing, under the hands and seal of the said Commissioners.

35.
Power for
Commis-
sioners to
make Orders,
&c. for ma-
nagement of
Roads in
Turnpike
Trusts not
consolidated.

And be it further Enacted, That the powers and authorities in this Act contained, as to the making of orders and regulations in a con- 15
solidated Trust, shall and may be used and exercised, if the said Commissioners shall think fit, with respect to the Road or Roads in any Trust, although the same may not have been consolidated with any other Turnpike Trust or Trusts.

36.
No Order or
Regulation
of Commis-
sioners to be
removed by
Certiorari.

And be it further Enacted, That no order or regulation made by the 20
said Commissioners under the authority of this Act, shall be removed or removable by *certiorari*, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

37.
Justices at
Special Ses-
sions to in-
quire into the
Revenues, and
condition of
the Repairs of
Turnpike
Roads,
and may, if
necessary,
apportion a
part of
Highway Rate
to Trustees of
Turnpike
Road.

AND whereas by law persons have heretofore been liable to do statute work on Turnpike Roads, or to pay a composition in lieu 25
thereof; but, by an Act passed in the fifth and sixth year of the reign of His present Majesty, intituled, "An Act to consolidate and amend the Laws relating to Highways in that part of *Great Britain* called *England*," all statute work is abolished: AND whereas by the said Act it is provided, that at the special Sessions for the Highways, held next 30
after the twenty-fifth day of March in every year, the Surveyor of every parish shall make a Return of the length of the Roads within his parish; BE it Enacted, That every such Surveyor shall in such Return distinguish how much of such Roads is Turnpike Road; and if such Turnpike Road shall be within more than one Trust, then how much is within each 35
Trust; and that it shall be lawful for the Justices at any Special Sessions for the Highways upon application made to them by or on the part of any Three or more of the Trustees of any Turnpike Road within such parish, the consent of the Commissioners appointed under the authority of this Act being first had and obtained (notice in writing of such 40
intended application having been previously given by or on the part of the said Trustees to such Parish Surveyor Twenty-one Days at least before such Special Sessions) to examine the state of the revenues and debts of such Turnpike Trust, and to inquire into the state and condition of the repairs of the Roads within the same; and if, after such examination, it shall appear to the said Justices necessary or expedient for

for the purposes of such Turnpike Road so to do, then to adjudge and determine what portion (if any) of the Rate or Assessment levied by virtue of the said Act shall be paid by the said Parish Surveyor, and at what time or times to the said Trustees or to their Treasurer or other officer appointed by them in that behalf, such Money to be wholly
 5 laid out on such part of such Turnpike Road as lies within the parish from which it was received : Provided always, That the portion so to be adjudged and determined upon such application, shall not be of greater amount in any one year than the value of the contribution of
 10 statute labour or amount of composition in lieu thereof, made or paid by the parish in respect of such Turnpike Road upon an average of the last preceeding Five years.

And be it further Enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such portion of the said Rate or Assessment at the time and times and in the manner mentioned in the order of
 15 the said Justices, the same shall and may be levied upon the goods and chattels of such Surveyor in such manner as penalties and forfeitures are by the said Act authorized to be levied.

38.

If Surveyor refuse to pay over Rate or Assessment, same to be levied on his goods and chattels.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed during the present Session
 20 of Parliament.

39.

Act may be amended, &c. this Session.

And be it further Enacted, That this Act shall be deemed a Public Act, and shall extend to that part of *Great Britain* called *England*; and be judicially taken notice of as such, by all Judges, Justices and other persons whatsoever, without the same being specially shown or pleaded.

40.

Public Act.

Turnpike Trusts' Consolidation.

A

B I L L

[AS AMENDED BY THE COMMITTEE.]

To authorize the Consolidation of the Trusts
of the Turnpike Roads in that part of
Great Britain called England.

(*Prepared and brought in by*
Mr. Fox Maule and Mr. Shaw Lefevre.)

Ordered, by The House of Commons, to be Printed,
14 March 1836.

1 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

To consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate.

[Note.—The Words and Clause printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient to repeal the several Acts for the uniform Valuation of Lands and Tenements in Ireland, in order that the provisions thereof may be amended and consolidated; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the following Acts and parts of Acts be repealed, save as hereinafter excepted; (that is to say) an Act passed in the seventh year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes and Divisions respectively;" an Act passed in the first and second years of the reign of His Majesty King WILLIAM the Fourth, intituled, "An Act to amend an Act of the seventh year of the reign of his late Majesty King GEORGE the Fourth, for making Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the Rates and Charges upon the same;" an Act passed in the second and third years of the reign of His Majesty King WILLIAM the Fourth, intituled, "An

Preamble :

1.
Certain Acts repealed.

7 Geo. 4. c. 62.

1 & 2 Will. 4. c. 51.

2 & 3 Will. 4 c. 73.

Act

4 & 5 Will. 4.
c. 55.

Act to amend two Acts of the seventh year of the reign of his late Majesty King GEORGE the Fourth, and in the first and second years of the reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland ;” so much of an Act passed in the fourth and fifth years of the reign of His Majesty King WILLIAM the Fourth, intituled, “An Act to amend three Acts made respectively in the seventh year of the reign of his late Majesty King GEORGE the Fourth, and in the first and second years, and in the second and third years of the reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, and to provide for the more effectual levy of Grand Jury Cess, as relates to the uniform Valuation of Lands and Tenements in Ireland ;” and the said several Acts and parts of Acts are hereby repealed, save so far as they repeal any other Act or part thereof: Provided nevertheless, That all acts, matters and things heretofore done under the provisions of the said Acts or any of them hereby repealed, shall be and remain valid and effectual to all purposes whatsoever; and that any Valuation made or in progress under the provisions of the said Acts, shall be deemed and taken to be a Valuation made by authority of this Act, and that all proceedings had or taken in or towards making the Valuation prescribed by the said Acts, shall enure to the purposes of the Valuation prescribed by this Act, and be taken to be good, valid and effectual as if done for the purpose of the Valuation prescribed by this Act and under the authority hereof, subject nevertheless to the provision hereinafter contained for the amendment of the Valuation made or in progress under authority of the said recited Acts.

2.

Persons acting under recited Acts to continue in discharge of their duties till otherwise directed.

And be it Enacted, That the Commissioner of Valuation and other persons heretofore appointed or acting under the said recited Acts or any of them in any county, shall and he and they are hereby authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several duties and offices, for the purpose of carrying this Act into execution, without any further or other appointment thereto, until the Lord Lieutenant of Ireland shall otherwise direct.

3.

Whenever the Survey of any Barony, &c. is completed, a Map of the Barony, &c. shall be sent to the Lord Lieutenant.

And be it Enacted, That whenever the survey of any County or of any Barony of a County liable to be separately assessed to raise and pay any proportion of County Cess Charges and Grand Jury Rates now and heretofore in progress, shall have been made and completed under the direction of the officers appointed by the Master General and Board of Ordnance, a Map or Plan of such Barony shall be transmitted by any such officer to the said Lord Lieutenant or to the Chief Secretary in Dublin, from time to time when and as any such survey shall

shall have been or shall be made and completed, or when and as any such Map or Plan shall be required by such Chief Secretary to be transmitted as aforesaid.

And be it further Enacted, That at any time after the receipt of
 5 any such Map or Plan it shall and may be lawful for the said Lord
 Lieutenant to nominate and appoint one fit and proper person to be
 Commissioner for any County or Counties in Ireland, in which any
 Barony shall be situate, of which such Map or Plan shall be made and
 delivered as aforesaid, to be called the Commissioner of Valuation
 10 for such County or Counties, who shall hold such office during the will
 and pleasure of the said Lord Lieutenant, and who shall repair to
 such County, and make a valuation of the Houses and Lands within
 every Barony, Parish or other division in such County, of which any
 such Map or Plan shall have been made and delivered as aforesaid,
 15 and shall proceed in such valuation at such times and in such manner
 and under such regulations as such Lord Lieutenant shall order,
 direct and appoint; and the said Chief Secretary shall notify or
 cause to be notified in writing to the Secretary of the Grand Jury of
 every such County the appointment of every such Commissioner of
 20 Valuation, and such Secretary shall lay such notification before the
 Grand Jury of such County at the next ensuing Assizes.

4.
 Lord Lieu-
 tenant may
 appoint a
 Commissioner
 in each County
 to value the
 Baronies, &c.
 so surveyed.

Such appoint-
 ment shall be
 notified to the
 Secretary of
 the Grand
 Jury.

And be it further Enacted, That at the next ensuing Assizes after
 the receipt of the notification of the appointment of any such Com-
 missioner of Valuation for any County (or at any succeeding Assizes,
 25 if need be), the Grand Jury of such County shall nominate and ap-
 point Committees for the several Baronies within every such County
 respectively, each consisting of not less than *Three* nor more than
Five of such Grand Jurors or persons who have served upon Grand
 Juries, together with any number of Magistrates, not more than *Five*,
 30 resident within such County, each to be called a Committee of Appeal
 on Valuations for the Barony or Baronies to be named and appro-
 priated to each Committee; and every such Committee shall sit and
 meet within the Barony or Baronies for which such Committee shall
 be appointed, at such times as shall be required for the execution of
 the purposes of this Act; and such Grand Jury shall also in like
 35 manner nominate and appoint one general Committee, to consist of
 not less than *Seven* nor more than *Twelve* Persons who have served
 on Grand Juries or who are Magistrates resident within such Counties,
 to be called a Committee of Revision of Valuations for the County;
 40 and such Committee shall sit and act under the directions of this Act;
 and when it shall happen that any such Committee of Appeal or
 Committee of Revision respectively shall not have assembled, or
 shall not have received notice to assemble, at any time previous to the
 Assizes next ensuing such their appointment respectively, the Grand

5.
 Grand Juries
 at Assizes
 shall appoint
 Committees
 of Appeal for
 each Barony,
 and a general
 Committee of
 Revision for
 the County.

Jury at such next ensuing Assizes shall nominate and appoint a Committee or Committees of Appeal and a Committee of Revision, as the case shall require, either by re-appointment of the former members, or any of them, or by the appointment of any other person or persons, to be members of such Committees respectively; and the appointment of such Committee shall be made, and Lists thereof respectively shall be delivered by such Grand Jury to the Court before any presentment for any road or bridge shall be filed by the Judge at any such Assizes. 5

6.

Lord Lieutenant may appoint Assessors to such Committees.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant, on the application of any such Commissioner, or when it shall seem expedient to him so to do, to appoint any practising Barrister to be an Assessor to any such Committee, either to assist such Commissioner, or in the place and instead of such Commissioner; and such Commissioner, or in his absence such Assessor, shall attend and act as Chairman of such Committee of Appeal or Revision; and such Committee so constituted shall decide on all questions which shall come before them by a plurality of voices; and in case any such Committee shall be equally divided, the Commissioner of Valuation, or in his absence the Assessor, being such Chairman, shall have the casting voice. 10 15 20

7.

Commissioners shall appoint Valuers in each County.

And be it Enacted, That it shall be lawful for each and every Commissioner of Valuation who shall be appointed in or for any County under this Act, to nominate and appoint any number of persons, conversant and professionally employed in surveying and valuing Land and Houses, or in cases of towns in valuing of Houses only, to be Valuers, and to remove all or any such Valuers from time to time, and to nominate any other person or persons to be a Valuator or Valuers in the place and stead of the person so removed; and previously to the appointment of any person to be a Valuator, such Commissioner shall, in company with such person, perambulate the whole or any part of a Barony, in order fully to ascertain his competence for acting as such Valuator. 25 30

8.

Lord Lieutenant may give orders as to conduct of Commissioners and Valuers.

And be it further Enacted, That it shall be lawful for the said Lord Lieutenant to give such orders, instructions and directions for the conduct of the said Commissioner or Commissioners and Valuers respectively, and for the employment of such clerks or other persons in the discharge of their several duties under this Act, as to such Lord Lieutenant shall from time to time seem fitting and expedient for the due execution of this Act. 35 40

9.

Rates according to which Valuations

And be it further Enacted, That the Valuation of all Lands for the purposes of this Act shall be made with reference to the average prices

prices as hereinafter specified of the several articles following; (that is to say)

shall be made of Lands and Houses.

- Wheat, at the general average price of *Ten Shillings* per hundred-weight of One hundred and twelve pounds :
- 5 Oats, at the general average price of *Six Shillings* per hundred-weight of One hundred and twelve pounds :
- Barley, at the general average price of *Seven Shillings* per hundred-weight of One hundred and twelve pounds :
- 10 Potatoes, at the general average price of *One Shilling and Seven-pence* per hundred-weight of One hundred and twelve pounds :
- Butter, at the general average price of *Sixty-nine Shillings* per hundred-weight of One hundred and twelve pounds :
- Beef, at the general average price of *Thirty-three Shillings* per hundred-weight of One hundred and twelve pounds :
- 15 Mutton, at the general average price of *Thirty-four Shillings and Sixpence* per hundred-weight of One hundred and twelve pounds :
- Pork, at the general average price of *Twenty-five Shillings and Six-pence* per hundred-weight of One hundred and twelve pounds :

And be it Enacted, That for the purposes of this Act all Houses
20 comprised in the Valuation hereby directed to be made, shall be valued at the sum or rent for which each such House could be let by the year, deducting therefrom *One-third* part of such sum or rent: Provided always, That no House for which a greater sum or rent by the year than *Five Pounds* could not be obtained, shall be included in
25 the said Valuation.

10.
Houses to be valued at Rent for which they could be let by the year, deducting one-third therefrom.
No House to be valued, for which an annual rent of 5*l.* could not be obtained.

AND whereas, in the Valuation heretofore made under the authority of the several Acts hereby repealed, Houses of an annual value exceeding *Three Pounds* have been included, and it is expedient that such Valuation should be amended in that respect; BE
30 it therefore Enacted, That the said Lord Lieutenant shall authorize and direct the Commissioner of Valuation by whom any such Valuation may have been made, to deduct and erase from the several Maps, Field-books and Lists all Houses which shall therein appear to be of an annual value not exceeding *Five Pounds*; and such Maps, Field-
35 books and Lists so amended shall be of the like validity and effect as the same now are, and as if such Houses had never been included therein.

11.
Lord Lieutenant shall direct all Houses not exceeding 5*l.* in annual value to be erased from Lists, &c.

And be it further Enacted, That all Out-buildings, Barns, Stables, Warehouses, Yards and Offices belonging or contiguous to any
40 House, and occupied therewith by one and the same person or by the same persons, or his or their servants, as one entire concern or undivided tenancy or holding, shall be valued together with such House, and be deemed and taken to be parcel thereof.

12.
All out-buildings and appurtenances to be valued together with the House to which they belong.

13.

Effective
water-power
of all Mills to
be valued.

And be it Enacted, That all flour, corn, flax or other mills or buildings erected for manufacturing or other purposes, shall be included in such Valuation ; provided that the water-power of any such mill or manufactory be only valued so far as it may be actually used, and that such Valuation shall not extend to or include the value of any machinery contained within such mill or manufactory.

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14.

Commissioner
of Valuation
shall distin-
guish all
Houses, &c.
which shall be
exempted
from Applot-
ment, &c.

And be it Enacted, That in making out the Lists or Tables of Valuation hereinafter mentioned of the several Parishes within each Barony, and of the townlands or other sub-denominations or divisions of Land within every such Parish, as hereinafter specified, the Commissioner of Valuation shall distinguish all Houses, Lands or Tenements of a public nature, or used for charitable purposes, and the value of the same shall be deducted from the gross amount of the Valuation of the Houses, Lands and Tenements comprised in each such List or Table ; and all such Houses, Lands or Tenements so distinguished and deducted, shall be exempt from applotment or assessment for or towards all County Cess charges and Parish Rates whatsoever, so long as they shall continue to be of a public nature, or used for charitable purposes ; and the lists, tables or valuations so reduced shall be and be deemed to be the lists, tables or valuations, whereby all Grand Jury and Parish Rates shall be assessed and levied as hereinafter provided.

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15.

What Houses,
&c. exempted
from Applot-
ment.

And be it Enacted, That no Houses, Lands or Tenements shall be deemed to be of a public nature or used for charitable purposes within the meaning of this Act, unless such Houses, Lands or Tenements shall be altogether of a public nature or used exclusively for charitable purposes : Provided nevertheless, That the Committee of Appeal and Committee of Revision respectively in each County shall, as hereinafter provided, have power and authority to consider and determine the justice and propriety of all such exemptions, and to make order allowing or disallowing the same accordingly.

25

30

Committees
of Appeal and
of Revision
to determine
exemptions.

16.

High Con-
stables, &c.
to make re-
turns to Com-
missioner of
Valuation
respecting
exemptions.

AND in order to ascertain the Houses, Lands and Tenements exempt from assessment as aforesaid ; BE it further Enacted, That the several High Constables or other collectors of County Cess in every County shall, with all convenient speed after the same shall have been demanded of them, make out and deliver to the Commissioner of Valuation for such County a Return of the several Houses, Lands and Tenements which are altogether of a public nature or used exclusively for charitable purposes, within their respective districts of collection ; and such Return shall specify the tenancy and occupation in which each of such Houses, Lands or Tenements may be or have been held, and the use or purpose to which applied, and shall

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shall describe the situation thereof as fully and accurately as may be possible; and in case any High Constable or Collector shall neglect to make such Return as aforesaid, or make the same in an improper or insufficient manner, it shall not be lawful to or for the Grand
 5 Jury of the County for which he may act to present any fee- or salary for such High Constable or other Collector at the Assizes next ensuing such neglect or default.

And be it Enacted, That it shall and may be lawful for any Commissioner, and for any Valuator or Valuers appointed under this
 10 Act, from time to time to enter into and upon any land or house for the purpose of making and carrying on any valuation authorized by this Act: Provided always, That in every case in which it shall be necessary for any such Commissioner or Valuator to enter any house, or any walled garden, or orchard or pleasure ground, and
 15 when the owner or occupier thereof may oppose or refuse to allow such entry, such Commissioner or Valuator shall give *Three Days'* notice to the owner or occupier of such house, garden, orchard or pleasure ground, requiring to be permitted to enter the same; and at any reasonable time after the delivery of such notice, it shall be
 20 lawful to make such entry; such Commissioner and Valuers doing as little damage as may be in the execution of the powers to them granted by this Act, and making reasonable satisfaction (if required) to the owners of and other persons interested in any such houses, lands, gardens, orchards or pleasure grounds, which
 25 shall or may be any way hurt or damaged in or by the execution of any of the powers of this Act; and this Act shall be sufficient to indemnify such Commissioner and Valuers and all persons acting in aid or under the orders of any of them in the execution of this Act.

17.
 Commissioner and Valuers may enter Land, Houses, Gardens, &c. in execution of this Act.

30 And be it Enacted, That the said Valuator shall enter the particulars of the Valuation of each and every Parish, and of each and every Townland within the same, when and as each such valuation shall be completed, in a separate and distinct Field-book, to be appropriated to each and every such Parish respectively, and to be
 35 distinguished and entitled as the Survey and Field-book of each such particular Parish respectively, distinguishing the Barony in which such Parish shall be situate, and also distinguishing the several townlands within such Parish, and the value of each thereof respectively; and such Valuers shall sign every such book with
 40 their several names, in their several and respective handwritings, with the date of completing such valuation; and such Valuers shall transmit or deliver every such Field-book of every such Parish, so signed, to the Commissioner of Valuation for the County in which every such Parish shall be situate.

18.
 Valuers shall enter Valuation of each Parish in a separate Field-book, and transmit the same to the Commissioner of Valuation.

19.
Commissioner shall make out from such Field-books a List of the Parishes, Townlands, &c. and their contents and valuation, and transmit the same to the High Constable, with notice of the day of appeal.

And be it Enacted, That when and so soon as the Valuation of all the Parishes within any Barony shall be completed, the Commissioner of Valuation shall prepare and make out from such Field-books as aforesaid a List or Table of the several Parishes within such Barony, and of the townlands within every such Parish respectively, distinguishing the number of acres contained in every townland within such Parish, and the total value of the land and houses in every such Parish respectively, according to the survey thereof and of the valuation thereof, made in pursuance of the directions of this Act; and such Commissioner of Valuation shall transmit printed copies of such List in the Form set forth in the Schedule Number One annexed to this Act, to the High Constable or other Collector of the County Cess or Grand Jury Rate in or for the Barony; and shall at the foot of such List specify the day and place appointed by such Commissioner of Valuation for the meeting of the Committee of Appeal, and which day shall not be sooner than *Six Weeks* after the day of the transmission of such List to such High Constable.

20.
High Constable shall send copies to Churchwardens of each Parish, who shall post them on Church doors, &c.

And be it Enacted, That every High Constable or Collector to whom any such List shall be transmitted as aforesaid, shall transmit copies of each such List to the Churchwardens or Churchwarden of every Parish within such Barony; and every such Churchwarden, within *Ten Days* after the receipt of such List, shall post and affix a copy thereof on the principal outer door of the Church, and of any *One Roman Catholic Chapel*, and of any *One Presbyterian Meeting-house* within such Parish, there to remain affixed for *Two* successive Sundays after the affixing thereof; and if any such copy of any such List shall be removed from the church or other place where the same shall have been posted or affixed as aforesaid, or shall be destroyed or defaced at any time within *Fourteen Days* after the affixing the same, the Churchwardens or Churchwarden shall post and affix, or cause to be posted and affixed, a new copy of every such List on the door of such church, chapel or meeting-house respectively, and so from time to time when any such copy shall be so destroyed or defaced.

21.
Churchwardens shall call a Vestry to consider the Lists, and the necessity of appealing against them.

And be it Enacted, That within *Ten Days* next after the receipt of the copy of any such List as aforesaid, public notice shall be given by the Churchwardens or Churchwarden in the usual manner of notices given for holding vestries in such Parish, that a Select Vestry will be holden in and for such Parish on some day to be named in such notice, not being less than *Ten Days* nor more than *Fourteen Days* from the Sunday on which any such List shall have been first affixed on the door of the church and other place or places of public worship in such Parish, for the purpose of taking such List into consideration, and to determine on the necessity or propriety of appealing against such List; and such Vestry so assembled shall

shall proceed to take such List into consideration, and may adjourn from time to time to any day not more than *Ten* Days distant from the first day of meeting.

And be it Enacted, That no person shall be admitted or entitled
 5 to attend or to vote at any such Select Vestry to be holden for the purposes last aforesaid, except such persons as are hereafter described; (that is to say) such persons as shall have actually paid and satisfied County Cess Charges or Grand Jury Rates for Lands or Tenements in such Parish, to the amount of *Twenty* Shillings,
 10 within *Twelve* calendar Months next preceding the day of holding any such Vestry; and persons who shall be Justices of the Peace, qualified to act as such within such Parish; and persons seised respectively of freehold estate, situate within such Parish, of the value of *Twenty* Pounds or upwards, (not arising from a rent-charge,) and duly registered as such under any Act or Acts in force
 15 relating to the election of Members of Parliament in Ireland, and of which registry such persons shall produce a certificate signed by the Clerk of the Peace; and if any person shall attend or vote or shall claim or offer to attend or vote at any such Select Vestry, not being
 20 qualified in such manner as is hereinbefore stated, every such person shall for every such offence forfeit the sum of *Ten* Pounds.

22.
 Select Vestry shall consist of persons having paid 20s. per annum to County Cess, or being Justices of Peace or Freeholders of 20*l.* or upwards.

And be it Enacted, That if on the first day of the meeting of such Vestry, or at any adjourned meeting of such Vestry which shall be held on any day not more than *Ten* Days distant from such first
 25 day of meeting, it shall be determined that an appeal shall be made against any valuation contained in such List, in respect of the Valuation of the whole of such Parish as compared with any other Parish within the Barony, or if it shall appear to such Vestry that the owners or occupiers of the greater portion in extent and value of
 30 Lands situate in any Townland within the Parish in which such Vestry shall be held, shall be desirous of appealing against the Valuation of any such Townland as compared with that of any other Townland or Townlands within the said Barony, it shall be lawful for such Vestry to direct that such appeal shall be made by such
 35 Vestry on behalf of such Parish, or by certain persons to be named at such Vestry on behalf of the owners or occupiers of Land within any such Townland as aforesaid; and a memorandum of the agreement to make such appeal, or some minute or entry of the same, and of the grounds of such appeal, shall be stated in writing, and
 40 shall be entered in the books of such Vestry, or in some book to be kept for that purpose, and shall be signed by the Chairman of such Vestry and *Four* other persons present at such Vestry; and a copy of the memorandum of such agreement and the grounds of such appeal shall be transmitted by the Chairman of such Vestry within

23.
 If Vestry agree to appeal for the Parish or for any Townland, a memorandum thereof and of the grounds of Appeal, shall be sent to the Commissioner of Valuation.

Two Days after such meeting, to the Commissioner of Valuation for the County in which such Parish shall be situate, and shall be held to be sufficient notice on the part of such Parish or Townland of their intention to appeal.

24.

Appeal may be made against exemption or non-exemption, as on any other ground, and Committees of Appeal and of Revision may amend the Valuation as in other respects.

And be it Enacted, That it shall and may be lawful for any Select Vestry to appeal against any Valuation contained in any table or list, or against the formation of any table or list prepared under authority of this Act, on the ground of any houses, lands or tenements having been improperly considered as of a public or charitable nature, and distinguished or deducted from any list or valuation accordingly, whether such houses, lands or tenements be situate in the Parish wherein such Vestry may be holden, or in any other Parish of the same Barony; and that such appeal shall be determined upon, and a memorandum of the agreement so to appeal made, and like notice thereof given, as in case of appeal on any ground whereupon it may be lawful to appeal by virtue of the provisions of this Act.

25.

How to proceed where there shall be no Churchwarden.

And be it Enacted, That in any Parish or Place in which there may be no Churchwarden or Churchwardens, the High Constable shall transmit copies of the Valuation List to some *Two* Landholders resident within such Parish or Division, who shall post the same in like manner as the Churchwardens of any Parish have been hereinbefore required to do, and shall summon a Special Vestry to meet for the consideration of such List, at some convenient time and place within such Parish or Place, and notify the time and place appointed for the meeting of such Vestry by notices to be posted in like manner as the said Lists are hereinbefore directed to be posted; and the Special Vestry so summoned shall have all such power and authorities in respect of such Lists, and appealing against the same or any part thereof, and shall be constituted in like manner and subject to the like rules and regulations as any Special Vestry summoned by any Churchwardens for the purposes of this Act.

26.

Notice by Commissioner to Secretary of Grand Jury, and by Secretary of Grand Jury to Committee of Appeal, of day and time appointed for hearing Appeals.

And be it Enacted; That the Commissioner of Valuation of any County by whom such List of the Valuations of the several Parishes and Townlands in any Barony of such County shall be transmitted to the High Constable or Collector, as by this Act is required, containing such notice of the day and place appointed by such Commissioner for the hearing appeals against any Valuation specified in such List, shall, within *Seven Days* next after the transmitting such List to such High Constable or Collector, give and transmit notice in writing to the Secretary of the Grand Jury of such County of the day and place so appointed for the hearing of such Appeals;

appeals; and such Secretary of the Grand Jury shall give notice of the day and place so appointed for the hearing of such appeals, by letters addressed to each and every of the persons who shall have been nominated and appointed by the Grand Jury, in pursuance of this Act, to be the Committee of Appeal against Valuations in and for such Barony; and such Secretary of the Grand Jury shall also give notice of such day and place of meeting, by an advertisement to be inserted in some public newspaper usually circulated in such County, in some publication of such newspaper
 10 *Fourteen Days* at least before the day appointed for such meeting.

And be it Enacted, That it shall be lawful for such Committee of Appeal to assemble at the day and place appointed for the hearing of all appeals of which such notice shall have been given as aforesaid, and that such place shall be the usual place of holding Sessions of the Peace within the Barony, unless some other place shall be specially appointed in the notice for the sitting of such Committee of Appeal, and for the hearing such appeals; and it shall be lawful for such Committee of Appeal to adjourn from time to time, as they shall see fitting and convenient.

27.
Meeting of
Committee of
Appeal.

And be it Enacted, That the Commissioner of Valuation shall produce or cause to be produced before such Committee of Appeal, all or any of the Field-books which shall have been transmitted to such Commissioner from the Valuers of any Parish, in case the same shall be required by such Committee; and it shall be lawful for such Committee of Appeal to send their precept or precepts, under their hands and seals, or the hands and seals of any *Two* of them, or under the hand and seal of the Commissioner of Valuation, or, in his absence, of the Assessor to be appointed as aforesaid, to any person or persons whomsoever, to attend and appear and be examined before such Committee of Appeal; and all and every person or persons who shall be called upon or summoned by any such precept, shall and they and he are and is hereby required and directed to attend such Committee of Appeal at such time and times and place and places as shall be appointed; and it shall be lawful for such Committee of Appeal, or any member thereof, and they and he is and are hereby authorized and empowered to examine any such person or persons upon oath (or affirmation in the case of Quakers), and such Committee or any member thereof (*Three* or more of the Members of such Committee being present), shall and may and are and is hereby authorized and empowered to administer such oath or affirmation to any person or persons respectively; and all and every such persons or person shall answer upon oath or affirmation as aforesaid to all questions which shall be put to them by such Committee or any member thereof; and if

28.
Field-books
shall be pro-
duced before
Committee of
Appeal;

who may
summon Wit-
nesses;

and examine
them on oath.

Penalty for
Perjury.

any person or persons shall, upon his, her or their examination before such Committee, wilfully and corruptly give false evidence, every such person so offending and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any law in force and effect in Ireland 5 persons guilty of *Perjury* are subject and liable to.

29.
Committee of
Appeal may
direct re-va-
luation, or
amend or
confirm the
original
valuation.

And be it Enacted, That if upon the hearing of such Appeal it shall appear to such Committee of Appeal that there is any just cause of complaint against such valuation, or any part thereof, either by reason of the disproportion of the valuation of any 10 Parish or Townland as compared with the valuation of any other Parish or Townland, or by reason of the valuation not having been made with reference to the standards fixed for such valuation by this Act, or on any other account whatsoever, it shall be lawful for such Committee of Appeal, if they shall think fit to alter or 15 amend such valuation, or if they shall consider a new valuation to be necessary, to direct that a new valuation shall be made of any Parish or Townland, or Parishes or Townlands contained in such valuation, by some Valuator or Valuators, not being the same who were employed or engaged in making the valuation appealed 20 against; and such Committee shall order that such new valuation shall be made and produced before such Committee on a day to be appointed for that purpose by the said Committee, to which day it shall be lawful for such Committee of Appeal to adjourn accordingly; and at such adjourned meeting of such Committee of 25 Appeal it shall be lawful for the said Committee of Appeal, and they are hereby authorized and required to compare such new valuation with the former valuation of the same Parish or Townland, or Parishes or Townlands, appearing in the Field-books made on the first valuation thereof respectively, and to make such altera- 30 tions or amendments in the amount of such first Valuation, or otherwise to confirm the same, in such manner as to such Committee of Appeal shall appear to be consistent with the justice of the case.

30.
Costs by
Parishes on
appeal may be
ascertained by
Committee,
and levied as
other Parish
Rates.

And be it Enacted, That it shall be lawful for such Committee of 35 Appeal to ascertain and allow the amount of any costs incurred by or on behalf of any Parish in the bringing and hearing of any such Appeal; and the amount of all such costs so ascertained and allowed shall be assessed and applotted by the Churchwardens or Churchwarden of such Parish, either on the Inhabitants of the 40 whole of such Parish, or on the Inhabitants of any Townland or Townlands within such Parish in respect of which such Appeal shall have been made, and shall be levied on such Inhabitants in like manner and in such proportions as any Assessment or Applotment

ment on any such Inhabitants in respect of any Church Rates or other Parish Charges may be assessed, applotted and levied.

And be it further Enacted, That where no Appeal shall have been made to such Committee of Appeal against any such Valuation within the time directed by this Act, such Valuation, as stated in the List prepared by the Commissioner of Valuation under the directions of this Act, shall be conclusive; and that, in case of Appeal, the decision of such Committee of Appeal shall be conclusive in all cases where such decision shall be concurred in and approved of by the Commissioner of Valuation, or, in his absence, by the Assessor to be appointed as aforesaid, and sitting as Chairman of such Committee of Appeal: Provided always, That in case it shall happen that such Commissioner of Valuation or Assessor respectively, sitting as such Chairman as aforesaid, shall disagree from the decision of such Committee of Appeal, it shall and may be lawful for such Commissioner or Assessor to submit such decision to the Committee of Revision for such County, at the time when the Valuation of all the Baronies within the County shall be submitted to the review of such Committee of Revision in manner hereinafter mentioned; but until the decision of such Committee of Revision shall have been obtained, the Valuation determined on by the majority of the Committee of Appeal shall be acted on in the same manner as if such Appeal to the Committee of Revision had not been made by the Commissioner of Valuation or his Assessor.

31.
Where no Appeal, such Valuation shall be conclusive.

Decision of Committee of Appeal conclusive, if Commissioner or Assessor assent, otherwise to be subject to review of Committee of Revision.

Provided, and be it Enacted, That where an Appeal shall have been made to any Committee of Appeal, under the provisions of this Act, by or on behalf of any Parish, or the owners or occupiers of land within any Townland of any Parish, against the valuation or any part of the valuation of the same or of any other Parish or Townland or Townlands within the same Barony, and it shall appear to such Committee of Appeal that just cause has been shown to warrant such Committee to direct that a new valuation shall be made of any such Parish or Parishes, Townland or Townlands, in respect of or on behalf whereof such appeal may have been made, then and in such case it shall and may be lawful for the said Committee of Appeal, with the consent of the Commissioner of Valuation for such county, or of his Assessor, to direct that a new valuation shall in like manner be made of any other Parish or Parishes, Townland or Townlands, within the same Barony, the valuation whereof shall appear to the said Committee to have been defective or erroneous in the same respects or to which the same ground of appeal may appear justly applicable, although no such appeal shall have been made in respect of or

32.
Committee of Appeal may in certain cases direct a new Valuation to be made, although no appeal shall have been lodged in respect thereof.

on behalf of such other Parish or Parishes, Townland or Townlands.

33.
When the Valuation of any Barony has been made and decided on, a List of the several Parishes and the divisions of land within them shall be prepared and published.

During the period herein described, all County Cess, &c. shall be levied according to the proportions therein specified ;

And be it Enacted, That when and as the Valuation of any Barony within a County shall have been made by such Valuers, and transmitted to the Commissioner of Valuation for such County, and decided on by the Committee of Appeal, the said Commissioner of Valuation shall prepare and make out, in the form of the Schedule (No. 1.) to this Act annexed, a List or Table of the several Parishes within such Barony, and of the several Townlands within each such Parish, distinguishing the number of acres contained in every such Parish and Townland, and the value of the Lands and Houses in each such Parish or Townland respectively, according to the Survey and Valuation thereof so decided upon ; and each such List or Table shall be signed by the said Commissioner of Valuation or his Assessor and *Three* Members of the said Committee of Appeal, and shall be transmitted, so signed, to the Chief Secretary of the said Lord Lieutenant, and a copy thereof shall be published in some newspaper circulated in the County to which such Valuation shall relate ; and from and after the end of the Assizes next ensuing the day of such publication, and until the end of the Assizes next ensuing the day on which the List and Valuation of all the Baronies within the same County, as completed and agreed on by the first or preliminary Committee of Revision appointed under the provisions of this Act, shall have been published, but no longer, all Grand Jury Rates, and the usual and accustomed proportion of all County Cess Charges whatsoever, imposed or to be imposed on such Barony by presentments of the Grand Jury, or to be raised off such Barony or any Parish and division thereof, and all Parish Rates imposed or to be imposed or levied off any Parish or Townland of such Barony, under the authority of any Law or Statute, shall be assessed and levied off such Barony, and off every Parish and Townland therein, according to the proportions specified in such List and Valuation so signed and published as hereinbefore directed.

34.
But not to affect the relative proportion borne by such Barony.

Provided always, and be it Enacted, That the publication of the List and Valuation of any Barony by order of the Committee of Appeal under the provisions of this Act, shall not alter or affect the relative proportion of County Cess or Charges which by any laws or usage may be or have been borne by such Barony as compared with any other Barony or Baronies.

35.
When Valuation of Barony is completed, Commissioner to lodge a copy of Field-book and a Field Map in

And be it Enacted, That when and so soon as the Valuation of all the Parishes within any Barony shall be completed, the Commissioner of Valuation shall make out a Copy of the Field-book of each Parish, and shall make out a Field Map, showing the several portions

Office of
Treasurer of
County, for
public in-
spection.

portions of Land which may have been separately valued, and distinguishing and numbering the same so as to correspond with the said Field-book; and the said Commissioner shall deliver such copy of the Field-books and Maps, attested by his signature, to
5 the Treasurer of the County, who shall keep the same in his office, there to remain open to public inspection; and any owner or occupier of Land within such Parish shall be at liberty to make copies or extracts therefrom, without fee or reward.

36.

When Valuations of all the Baronies in any county are completed, Commissioner shall send List thereof to Secretary of Grand Jury, who shall summon the Committee of Revision.

And be it Enacted, That when and so soon as the Valuation of
10 all the Baronies within any County shall have been made by such Valuers as aforesaid, and transmitted to the Commissioner of Valuation for the said County, and decided on by such Committee of Appeal, the said Commissioner shall prepare and make out a List or Table, in the form contained in Schedule (No. 2) to this Act
15 annexed, of all the several Baronies within such County, specifying the number of acres within each such Barony according to the survey made thereof by the Officers of Ordnance, and the total value of the Land and Houses in such Barony according to the valuation thereof by such Valuers, pursuant to the directions of
20 this Act; and shall transmit a copy of such List or Table, signed by such Commissioner, and dated on the day of the transmission thereof, to the Secretary of the Grand Jury of such County, and shall, at the foot of the copy of such List, specify the day appointed by such Commissioner of Valuation for the meeting of the first or
25 preliminary Committee of Revision of the said County at the County Court House of the said County, for the revision of the Valuation of the said Baronies, which day shall not be sooner than *Eight Weeks* next after the date of the copy of such List signed by such Commissioner; and such Secretary of the Grand Jury shall
30 give notice of the day and place appointed for the revision of such List, by Letters addressed to each and every of the Persons who shall have been nominated and appointed by the Grand Jury in pursuance of this Act to be the Committee of Revision for such County; and such Secretary of the Grand Jury shall also give
35 notice of such day and place of meeting of such Committee of Revision, by an advertisement to be inserted in some public newspaper usually circulated in such County, in some publication of such newspaper, *Six Weeks* at least before the day appointed for such meeting.

37.

Committee of Revision may examine Valuations of Baronies in Field-books, and amend the same, so as to make them just and

40 And be it Enacted, That at the day appointed for the meeting of such Committee of Revision, the members of such Committee of Revision, together with the Commissioner of Valuation for the County or his Assessor, shall meet together in the Court House of such County, and shall there proceed to inquire and consider and
400. determine

proportionate
with each
other.

determine whether the several Baronies of the said County have been equally and properly valued, pursuant to the directions of this Act, with reference to the standards fixed for such Valuation by this Act, and also with reference to the respective Valuations of the several Baronies as compared with each other; and the said Commissioner of Valuation shall produce or cause to be produced before the said Committee of Revision, if they shall require the same, all the Field-books containing the Valuation of the several Parishes within the several Baronies of the said County, and such Field-books shall and may be consulted, perused and examined by the said Committee of Revision or any member thereof; and if upon such examination or otherwise it shall appear to such Committee of Revision that any excessive or defective Valuation has been made of any Barony, or that the standard required by this Act has not been adhered to in such Valuation, or on any other account whatsoever, it shall be lawful for such Committee of Revision to correct any errors which may appear to them, upon examination and inquiry, to have been made in such Valuations, so as to make the Valuation of the respective Baronies just and equal and in due proportion with each other; and it shall be lawful for such Committee of Revision to adjourn from time to time as they shall see fitting and convenient.

38.

Committee of
Revision may
alter the
Valuation of
any division
of a Barony,
as well as of
the whole
Barony.

And be it Enacted, That when any such Committee of Revision shall think fit to alter the amount of the Valuation of any Barony as compared with any other Barony, it shall and may be lawful for them to alter the amount of the Valuation of any Parish or Parishes, Townland or Townlands of such Barony, in such manner and to such extent as the said Committee shall think just with regard to the reason or principle on which the gross amount of the Valuation of such Barony may have been altered by them.

39.

Fractions of a
pound may be
rejected from
the Valuation
of the whole
Barony, &c.

And be it Enacted, That all fractional parts of a pound sterling may be rejected from the total Value of any Barony, Parish, Manor or other denomination as stated in any List and Valuation prepared under authority of the said recited Acts or this Act, for the purpose of computing the proportions in which the same shall be respectively rated.

40.

After the end
of the Assizes
next ensuing
the publica-
tion of the
valuation, all
charges and
rates shall be
levied ac-
cording to
the propor-
tions of that
valuation.

And be it Enacted, That when the Committee of Revision shall have come to a decision, the List of the several Baronies and the Valuation thereof as confirmed or amended shall be signed by the Commissioner of Valuation or by the Assessor, and by *Three* at least of the members of the said Committee of Revision, appointed by the Grand Jury, and a Copy thereof according to the form (No. 3) of the Schedule to this Act annexed, or in such other

other form as shall be approved of by the Judge and Grand Jury at any Assizes to be holden for such County, shall be published in some public Newspaper circulated in the County to which such List and Valuation shall relate; and from and after the end of the

5 Assizes next ensuing the day on which such List and Valuation so signed shall be published as aforesaid, all County Cess and charges whatsoever, and all Grand Jury Rates imposed or to be imposed on any such County by presentments of the Grand Jury, or to be

10 raised off such County, or any Barony, Parish or Townland thereof, and all Parish Rates imposed or to be imposed, or levied or to be levied, under the authority of any Act or Acts of Parliament, shall be assessed and levied off such County, and off every Barony, Parish or Townlands therein, according to the proportions specified in such List and Valuation so published, until and unless the same

15 shall be revised or altered by a Committee of Revision re-assembled as hereinafter provided, and no longer.

And be it Enacted, That at some Assizes within *Three Years* next after the publication of such List and Valuation of all the Baronies of each County, the Grand Jury shall nominate and

20 appoint a time for the re-assembly of the Committee of Revision of such County, and the Secretary of the Grand Jury shall give notice of the time appointed for such re-assembly of the Committee of Revision, in like manner as he is required to give notice of the first meeting of such Committee, and at the time so ap-

25 pointed the members of such Committee of Revision, together with the Commissioner of Valuation or his Assessor, shall meet in the Court-house of such County, and shall there and then inquire into and determine all such complaints as shall be made against the said Valuation, or any part thereof; and it shall be lawful for

30 the said Committee to revise and amend such Valuation as to them may seem just, or to direct a new Valuation when the same shall appear necessary, and to adjourn from time to time; and the Valuation, as confirmed or amended, and finally agreed on by such Committee, shall be in the place and stead of the former Valuation

35 so published, and of like force and effect: Provided always, That notice in writing of any complaint which it is intended to prefer to the said Committee so re-assembled shall be given to the Commissioner of Valuation of such County, or to the Secretary of the Grand Jury, who shall forward the same to the said Commissioner,

40 at least *Thirty-one Days* before the time appointed for the re-assembling of such Committee; and that such notice shall be subscribed by at least *Two Persons*, each paying Grand Jury Cess to the amount of *Forty Shillings*, or by at least *Two Persons* having each a freehold or leasehold estate in lands or tenements of the

41.
At third Assizes next after publication of such List and Valuation, Grand Jury to fix a time for re-assembly of Committee of Revision to finally amend and settle Valuations.

Notice of complaints intended to be preferred thereat, to be given by two Persons at least *Thirty-one Days* previously.

annual value of *Twenty* Pounds or upwards, and situate in such County.

42.
List and Valuation of the Baronies, when finally settled by Committee of Revision, shall be published in the Dublin Gazette.

And be it Enacted, That when the Committee of Revision so re-assembled, shall have come to a final decision, the List of the several Baronies, and the Valuation thereof, as confirmed or amended and finally agreed on by such Committee of Revision so re-assembled, shall be signed by the Commissioner of Valuation, or by the Assessor, and by *Three* at least of the Members of such Committee of Revision; and a Copy thereof, according to the Form contained in No. 3 of the Schedule to this Act annexed, or in such other form as shall be approved by the Judge and Grand Jury at any Assizes to be holden for such county, shall be transmitted to the Chief Secretary of the Lord Lieutenant, or other, and he shall cause the same to be published in the Dublin Gazette within *Thirty-one* Days next after he shall have received such List, so signed by such Commissioner and Committee, or *Three* Members thereof; and the Secretary to the Grand Jury shall also cause such List to be published in some public Newspaper circulated in the County to which such List and Valuation shall relate; and the several Field-books and other documents shall be transmitted by the Commissioner of Valuation to the office of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin Castle, to be there arranged and kept as may be most for convenience and security, and a copy of such Field-books shall be furnished by such Commissioner of Valuation to the Treasurer of the County.

43.
After such publication, all County Cess shall be levied according to the sums and proportions in such Valuation.

And be it Enacted, That from and after the end of the Assizes next ensuing the day on which such List and Valuation so signed and settled by the said Committee of Revision so re-assembled as aforesaid shall be published in the Dublin Gazette, all County Cess Charges whatsoever and all Grand Jury Rates imposed or to be imposed on such County by presentments of the Grand Jury, or to be raised off such County, or any Barony, Parish or Townland thereof, and all Parish Rates imposed or to be imposed, or levied or to be levied, under the authority of any Act or Acts of Parliament, shall be assessed and levied off such County, and off every Barony, Parish or Townland therein, according to the proportions specified in such List and Valuation so published, and not otherwise; any law, usage or custom, or any former assessment or valuation, to the contrary in anywise notwithstanding.

44.
Treasurer to furnish copies of Field-books and Maps to

And be it Enacted, That the Treasurer of each County shall furnish copies of such Field-books as and when the Valuation therein contained shall have been confirmed or amended, and finally

finally agreed on by the said Committees of Appeal and Revision respectively of such County, in manner by this Act provided, and of such Field Maps, marked and numbered to correspond with such Field-books, to any person or persons requiring the same for the
 5 applotment of Grand Jury Cess; and such copies shall be prepared under such regulations as the Grand Jury of such County shall fix and determine; and they shall present, to be raised off the Townland or other denomination of land to which such copies shall relate, the expense of making the same: Provided always, That such Field-
 10 books and Field Maps shall not be conclusive in respect to such applotment; but that such applotment shall be varied from time to time when and as to the Applotters may seem just and necessary with regard to the value of the Lands and Premises subject to such applotment at the time of making the same.

Persons requiring same for applotment of Grand Jury Cess.

Such Field-books and Maps not to be conclusive in respect to such applotment.

15 And be it Enacted, That it shall and may be lawful for the Lord Lieutenant to order and direct that a Salary at the rate of not more than *Five hundred* Pounds by the year, shall and may be paid to each and every person who shall be appointed to be a Commissioner of Valuation in or for any one or more County or Counties under the
 20 authority of this Act, during the time he shall be so employed.

45.
Salary to Commissioners of Valuation.

AND whereas it may be expedient, for the more complete uniformity of the said Valuation, that the same should be carried on under the control and direction of a single Commissioner of Valuation, and the salary of *Five hundred* Pounds per annum is an insuffi-
 25 cient remuneration for a person appointed to act as such Commissioner in many counties; BE it therefore Enacted, That in addition to the said salary of *Five hundred* Pounds per annum, it shall and may be lawful for the said Lord Lieutenant, at his discretion, to order and direct such allowance for travelling and other expenses,
 30 not exceeding *One Guinea* per day for every day during which such Commissioner shall be engaged in the business of such Valuation, as to the said Lord Lieutenant shall seem proper; and that every Valuator or other person who shall be appointed under the authority of this Act shall receive and be entitled to receive for his
 35 trouble any sum of money or allowance not exceeding the rate of *Twenty* Shillings for every day during which any and every such person shall be employed by or engaged under the orders of such Commissioner of Valuation, upon a certificate, to be signed by such Commissioner, that such person was so employed for the
 40 number of days to be stated in such certificate, and that such person diligently conducted himself in the execution of this Act in a manner satisfactory to such Commissioner.

46.
Lord Lieutenant may order an allowance for travelling expenses to Commissioner of Valuation, in addition to his salary.

And be it Enacted, That it shall be lawful for the Lord Lieutenant to order and direct that any such sum or sums of money as he

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47.
Lord Lieutenant may advance money out of Consolidated Fund.

or

or they shall think proper, shall from time to time be advanced out of the produce of the Consolidated Fund of the United Kingdom, arising in Ireland, for the defraying the salaries of the said several Commissioners of Valuation and the allowances which shall be from time to time payable to the persons employed in carrying this Act into execution; and all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations, as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the Chief Secretary, or, in his absence, by the Under Secretary; and it shall be lawful for such Chief Secretary or Under Secretary to certify to the Grand Jury of any and every County within which any such persons shall be employed, the amount of money which shall have been paid to the Commissioner of Valuation, and to the several persons employed within such County in the execution of this Act, out of the advance authorized by this Act; and thereupon it shall and may be lawful for the Grand Jury of any and every such County respectively, and they are hereby authorized and required to make presentment of the amount of such expenses as stated in such certificate, to be raised off the County at large or the several Baronies therein, in such manner and in such proportions as the Lord Lieutenant shall direct; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the Treasurer of any County, such Treasurer shall pay over the same to such bank or person as the Lords Commissioners of the Treasury or any Three or more of them, shall think fit to direct.

Sums paid to Commissioner and Valuers to be repaid by Presentment.

48.
Construction of Terms.

And be it Enacted, That in the construction of this Act the words "Lord Lieutenant" shall be understood to mean Lord Lieutenant or other Chief Governor or Governors of Ireland; the word "Inhabitant" to include every one rated to the Grand Jury Cess; and that all provisions and directions in this Act contained relating to counties shall extend to all counties, counties of cities, counties of towns, and towns corporate in Ireland, except such parts of the county of Dublin or the county of the city of Dublin as lie within the Circular Road of the said City, and which are comprised in the Valuation made under authority of an Act passed in the fifth year of his late Majesty's reign, intituled, "An Act to provide for valuing the Houses situate in and near the City of Dublin, and for the more equal Payment of the Local Taxes there;" and that all the acts and duties by this Act required to be performed by the several Grand Juries at the Assizes for any County shall and may in the County of Dublin, or the County of the City of Dublin, be performed at the presenting terms by the Grand Juries duly met and impannelled; and that all provisions and directions relating to Baronies shall extend to Half Baronies, and to

to all other divisions of Counties being greater than Parishes; and that all provisions and directions relating to Parishes shall extend to all Chapelries or divisions of Parishes or extra-parochial divisions, and to all unions of Parishes, as if the same were one Parish, in cases where any such union or division shall be rateable as one Parish; and that all provisions and directions relating to Townlands shall extend to all divisions and sub-denominations of Lands less than and being comprised within any Parish; and that where any Parish or Union shall be situate in more than one County or Barony, or partly in a County and partly in a County of a City, County of a Town or Town corporate, the several parts of such Parish shall be valued as a distinct Parish in the several Baronies or Counties, or Counties of Cities or Counties of Towns, or Towns corporate to which they shall contribute to the payment of any County Cess Charges or Grand Jury Rate.

And be it Enacted, That *Ten* Days previously to the commencement of each Assizes the Commissioner of Valuation shall transmit to the Secretary of any Grand Jury of any County which shall be in the course of valuation, a statement of the progress made in such Valuation; together with the amount of the expenditure on the same up to the period when such return shall be made.

49.
Commissioner
of Valuation
to transmit a
statement of
the progress
made in
valuation of
Counties.

And be it Enacted, That if any High Constable or other Collector of County Cess or Grand Jury Rates, or any Churchwarden of any Parish, or any Landholder hereby required to act in lieu and stead
25 of a Churchwarden, or any Commissioner of Valuation in any County, or any Valuator appointed by such Commissioner, or any Secretary of the Grand Jury, shall omit or neglect or refuse to do any matter or thing which such High Constable or Collector, Churchwarden, Landholder, Commissioner, Valuator or Clerk of the Peace are by
30 this Act required and directed to do in the execution of this Act, in manner required by this Act, every person so offending shall forfeit a sum not exceeding *Twenty* Pounds, and not less than *Five* Pounds, in the discretion of the Justices before whom such offender shall be convicted.

30.
Penalty on High Constable, Churchwarden, Commissioner, &c. neglecting their duty in execution of this Act.

50.
Penalty on
High Consta-
ble, Church
warden, Com-
missioner, &c.
neglecting
their duty in
execution of
this Act.

35 AND whereas there are divers detached or isolated parcels of Land, belonging to or forming part of certain Counties in Ireland, but locally situate within or surrounded by other Counties; and in like manner there are divers detached or isolated parcels of Land belonging to or forming part of certain Baronies, but locally situate
40 within or surrounded by other Baronies: AND whereas it is expedient, for the purpose of the General Survey of Ireland, now carrying on under the direction of the Master General and Board of Ordnance, and for the purpose of the Valuation consequent

When the Boundary Surveyors, &c., shall find any detached portion of any one County situate within any other County, &c., they shall report same to Lord Lieutenant in Council.

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51.
When the
Boundary
Surveyors, &c.
shall find any
detached
portion of any
one County
situate within
any other
County, &c.,
they shall
report same to
Lord Lieu-
tenant in
Council.

upon such Survey, that such detached or isolated portions of Counties and Baronies should be comprised and included in the Counties and Baronies within which they may be respectively locally situate or whereto they may adjoin, so that each County and Barony in Ireland may respectively consist of one continuous tract of Land ; BE it therefore Enacted, That whenever the Surveyors or persons appointed by the said Lord Lieutenant to ascertain and mark out the reputed Boundaries of each or any County, Barony, Half Barony, Parish or other division or denomination of Land in Ireland, with a view to the more effectual execution of the General Survey now in progress throughout Ireland, under the direction of officers appointed by the Master General and Board of Ordnance, pursuant to the provisions of an Act made in the sixth year of the reign of his Majesty King GEORGE the Fourth, intituled, " An Act to repeal an Act of the last Session of Parliament relative to the forming Tables of Manors, Parishes and Townlands in Ireland, and to make provision for ascertaining the Boundaries of the same," shall find that there is any detached or isolated portion of any one County locally situated within any other County, or between any two other Counties, or surrounded by any other Counties ; or that there is any detached or isolated portion of any one Barony locally situated within any other Barony, or between any *Two* other Baronies, or surrounded by any other Baronies, the said Surveyors or persons shall make a report to the said Lord Lieutenant in Council, stating the situation of each such detached or isolated portion of a County or Barony and of the adjoining Counties or Baronies, and describing the same in a Plan or Map to be annexed to such report ; and thereupon such Lord Lieutenant in Council shall make order directing such detached or isolated portion of a County or Barony to be annexed to and incorporated with the County or Barony wherein the same may be locally situate, or by which it may be surrounded ; or if such detached or isolated portion of a County or Barony shall lie between two or more Counties or Baronies, then and in such case directing the same to be annexed to such of the said contiguous Counties or Baronies as he and they shall think proper.

6 Geo. 4. c. 99.

Lord Lieutenant in Council shall order such detached portion of any County, &c. to be annexed to the County, &c. wherein the same may be locally situate, &c.

52.

What such Order of the Lord Lieutenant, &c. in Council shall contain.

And be it Enacted, That the said Lord Lieutenant in Council shall and may by such order as aforesaid, limit and determine the purposes to which the union and annexation of such isolated or detached portion of a County or Barony to such other County or Barony shall extend, and fix and declare from what period the same shall take effect, and settle and adjust all such matters in respect of the right of voting at elections of Members to serve in Parliament by persons holding or occupying Houses, Lands or Tenements in such County or Barony, and for the alteration or amendment of the

Lists

Lists or Registers of Electors accordingly; and in respect of the assessment, applotment and levy of Grand Jury and other Rates and Assessments, and in respect of all other matters and things proper or necessary to be settled and adjusted in consequence of the union or annexation directed to be made by such Order; and the Order of the said Lord Lieutenant in Council shall be conclusive and binding in law in respect of the said several matters and things therein contained; and every such Order shall be published in the Dublin Gazette, and a copy or copies of such Order, certified under the hand of the Clerk of the said Council, shall be delivered to the said Surveyors or other persons employed to ascertain and mark out the reputed Boundaries of each or any County, Barony, Half Barony, Townland, Parish or other denomination or division of land in Ireland, who shall mark out the Boundaries accordingly in pursuance to such Order; and a like copy or copies shall be transmitted to the Clerk of the Peace for each County to which such Order shall in any way relate, to be by him kept and preserved in his office, and exhibited at all reasonable hours to any person or persons who may desire to inspect the same, without fee or reward.

Such Order shall be published in Dublin Gazette, and copies thereof lodged with Clerks of Peace for the Counties to which same shall relate.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant in Council from time to time as occasion may require, to make any Supplemental Order or Orders for removing such doubts or settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained; and every such Supplemental Order shall be published and transmitted to the Clerk of the Peace, to be by him preserved and exhibited for inspection in like manner as hereinbefore provided in respect of any original Order; and every such Supplemental Order shall have the same force and effect as if it had formed part of any original Order made under the provisions of this Act.

53.
Lord Lieutenant in Council empowered to make a Supplemental Order.

AND for the correction of any Maps or Surveys already made or in progress; BE it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to appoint the said Boundary Surveyor or person, or any Surveyor or person whom he shall think fit, to ascertain if there be any detached or isolated portion of any one County locally situated within any other County, or between any two other Counties, or surrounded by any other Counties, of which County or Counties the General Survey, under the direction of officers appointed by the Master-General and Board of Ordnance, or the Boundary Survey under the provisions of the said recited Act of the sixth year of the reign of his late Majesty, shall have been in progress or completed before the passing of this Act; and in like manner to ascertain if there be any detached or isolated

54.
Provision for Counties or Baronies, of which the General or Boundary Survey shall have been completed before the passing of this Act.

portion of any one Barony locally situate within any other Barony, or between any two other Baronies, or surrounded by any other Baronies, of which Barony or Baronies the said General Survey or Boundary Survey shall have been completed before the *passing of this Act*; and the said Surveyor or person shall make a Report to the said Lord Lieutenant in Council, stating the situation of each such detached or isolated portion of a County or Barony, if any, and of the adjoining Counties or Baronies, and describing the same in a Map or Plan to be annexed to such Report; and thereupon such Lord Lieutenant in Council shall have power and authority to make such and the like Order or Supplemental Order, in respect of any such detached or isolated portion of a County or Barony so appearing in any Survey or Map completed before the *passing of this Act*, as such Lord Lieutenant in Council has been hereinbefore enabled to make in cases where such Survey or Map shall not have been begun, or shall not have been completed previous to the *passing of this Act*; and such Order or Supplemental Order in the case of any Map or Survey already completed, shall be made and dealt with in the like manner and be of the like validity and effect as any Order or Supplemental Order made in the case where any such Map or Survey has not yet been made or completed; and the said Boundary Surveyor or person shall amend any Map or Plan furnished by him to the officers appointed by the Master-General and Board of Ordnance in conformity with such Order, directing the amendment of such Map of Survey; and the said officers shall in like manner amend the General Survey Map in conformity with such amended Map or Plan, and pursuant to the directions of the said Lord Lieutenant in Council.

55.
Penalty on
Persons dis-
placing
marks, &c
or obstruct-
ing Surveyors,
&c.

And be it Enacted, That if any person or persons shall take away or remove, or displace or alter the situation of any boundary stone, post or mark which shall be set up and placed for the purposes of this Act, or shall wilfully deface, mutilate, break or destroy any such boundary stone, post or mark, or shall wilfully obstruct or hinder any Surveyor in the execution of his duty in and about the ascertaining and marking out the boundaries of any detached or isolated portion of any County or Barony as aforesaid, or shall assault any such Surveyor, or shall in any way resist such Surveyor in the performance of his duty under this Act, or shall obstruct, hinder, assault or resist any workman or other person acting in aid of any such Surveyor in the execution of this Act, every person or persons so offending and being duly convicted thereof, shall forfeit and pay a sum not exceeding *Ten Pounds* and not less than *Two Pounds*, in the discretion of the Justices before whom he or they shall be so convicted.

Provided.

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Provided always, and be it Enacted, That no Order made in pursuance of this Act shall in any way affect the Boundary or Boundaries of any Land, with reference to any right, title, claim, possession or interest therein; nor shall the description or denomination in any pleadings or proceedings, criminal or civil, in any Court of Law or Equity pending or instituted previous to the time limited for such Order taking effect, be in any way vitiated or affected thereby; and that in the case of any suit or proceeding, civil or criminal, pending or instituted previous to the time assigned in and by such Order for the same taking effect, such suit or proceeding shall and may be continued as if no such Order had been made, and without regard thereto; and the said Order shall, in respect of such suit or proceeding, and any and every matter relating thereto, be void and of none effect; and that wherever, in any Deed or Instrument made previous to the time appointed for such Order taking effect, such isolated or detached portion of a County or Barony, or any place in such isolated or detached portion, shall have been described or denominated by the name of the County or Barony to which the same may have originally belonged, such isolated or detached portion or place therein shall be deemed and taken to have been described or denominated by the name of the County or Barony to which it shall be by such Order united, as if such last-mentioned County or Barony had been named in such Deed or Instrument instead of such County or Barony to which the same originally belonged; and such isolated or detached portion or place shall and may, in all suits and proceedings at Law or Equity at any time afterwards instituted, be described and denominated as belonging to such County or Barony to which it shall be so united by such Order.

56.
Such Order shall not affect Boundaries of Land with respect to any right or interest therein;

nor proceedings in any Court instituted previous thereto;

nor any description in any Deed.

And be it further Enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication of any *Two* Justices of the Peace for the County or place in which such penalty shall be incurred, upon complaint to them for that purpose exhibited, and shall afterwards be levied, as well as the costs of such proceedings in case of non-payment, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hand and seal of such Justices; and such Justices are hereby authorized and required to summon before them any witness or witnesses, and to examine such witness or witnesses upon oath (or affirmation) of and concerning such offences, matters or things, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine, penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall

57.
Penalties may be recovered before one Justice of the Peace.

be returned, upon demand, to the owner or owners of the goods or chattels so seized or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Justices for his or their appearance before such Justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than *Seven Days* from the time of taking any such security, and which security the said Justices are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any one of such Justices or any other Justice of the Peace for such county or place as aforesaid, and such Justice is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the gaol of such county or place; there to remain without bail or main-prize for any term not exceeding *Two* calendar Months, unless such penalties or forfeitures respectively, and all reasonable charges, shall be sooner paid and satisfied; and one *moiety* of such penalties or forfeitures, when so levied, shall be paid to the person who shall sue or prosecute for the same, and the other *moiety* shall be paid and applied to the use of the poor of the parish in which such offence shall be committed, in such manner as such Justices shall direct and appoint.

Application
of Penalties

58.
Form of
Conviction.

AND for the more easy and speedy conviction of the offenders against this Act; BE it further Enacted, That the Justices of the Peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the Conviction to be drawn up in the following form of words (as the case shall happen), or in any other form of words to the same effect; (that is to say)

To wit. } “ BE it Rememberd, That on the
 } day of in the year of
 } our Lord A. B. is
 } convicted before us, Two of His Majesty’s Justices of the
 } Peace of the said County [or, City, or, Town, as the case
 } may be], by virtue of an Act passed in the sixth and seventh
 } years of the reign of King WILLIAM the Fourth, intituled,
 } ‘An Act’ [here set forth the title of this Act], of having
 } [here set out the offence, and when and where committed],
 } contrary to the said Act; for which offence we do adjudge
 } the said to have forfeited the sum
 } of . Given under our hands and seals
 } the day and year above written.”

Provided

Provided always, and be it further Enacted, That it shall be lawful for any person who shall think himself or herself aggrieved by any such conviction, to appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden
 5 for the county or place; and every person appealing against such conviction shall (if there be sufficient time after the cause of complaint shall have arisen) first give or cause to be given *Ten Days'* notice at least, in writing, of his or her intention of bringing such appeal and of the matter thereof to the Justices whose conviction
 10 shall be so appealed against, and within *Seven Days* next after the date of such notice shall enter into a recognizance before some Justice of the Peace for the county or place, with *Two* sufficient sureties, conditioned to try such appeal, and to abide by or submit to the order thereon, and to pay such costs as shall be awarded by
 15 the Justices at such Quarter Sessions or any adjournment thereof; and for want of sufficient time for giving such notice previous to the Quarter Sessions next after the cause of any such complaint shall have happened, then such appeal, after such notice and under such recognizance, may be made at the second General or Quarter
 20 Sessions of the Peace to be holden for such county or place, and the Justices at such first or second Sessions, or any adjournment thereof, upon due proof of such notice having been given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the cause and matter of such appeal in a
 25 summary way, and shall award such costs to the parties appealing or appealed against as they the said Justices shall think proper; and the determination of such Justices at such Sessions shall be final, binding and conclusive to all intents and purposes; and it shall be lawful for the said Justices at such Sessions, by their order
 30 or warrant, to levy such costs so awarded by distress and sale of the goods and chattels of the person or persons who shall refuse or neglect to pay the same, and for want of sufficient distress to commit such person or persons to the common gaol or house of correction for the said county, there to remain for any time
 35 not exceeding *Two* calendar Months, or until payment of such costs.

59.
Persons ag-
grieved by
conviction
may appeal to
Quarter Ses-
sions, giving
Ten Days'
notice, and
security
within *Seven*
Days.

Costs of
appeal re-
coverable by
distress.

And be it further Enacted, That no Proceedings to be had touching the conviction of any offender or offenders against this Act shall be quashed for want of form, nor be removed nor
 40 removable by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Dublin; and where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the summons or conviction, or in the warrant of distress or

60.
Proceedings
not to be
quashed for
want of form.

other proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers, ab initio; on account of any irregularity which shall be afterwards committed by the party or parties distraining; but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage (if any), in an Action on the case; but no Plaintiff or Plaintiffs shall recover in any Action for such irregularity as aforesaid, if tender of sufficient amends hath been made by or on behalf of the party distraining before such Action commenced.

10

61.

Limitation of
Actions.

And be it further Enacted, That no Action, Suit or Proceeding shall be commenced or prosecuted against any Justice of the Peace, or any Commissioner of Valuation, or against any Valua-

Notice.

tors, or against any other person or persons, for any thing done in pursuance of this Act, until *Thirty Days'* notice thereof shall be given to such Justice or Commissioner or Valuator, or other person or

Tender of
Amends.

persons, nor after sufficient satisfaction or tender of amends hath been made to the party or parties aggrieved, nor after the expiration of *Three* calendar Months next after the fact committed; and

Venue.

every such action or suit, or prosecution, shall be laid or brought in the County, County of a City, or County of a Town where the cause

General Issue.

of action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such action, suit or prosecution, shall and may, at his or their election, plead specially or the general issue not

General
avowry in
replevin.

guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if any replevin shall be

brought for any cattle, goods or chattels seized or taken by virtue or in pursuance of this present Act, it shall and may be lawful and sufficient to and for any person or persons, who shall be Defendant

or Defendants or Avowant or Avowants in any such replevin, to avow, plead or make cognizance generally, that he or they took

the same cattle, goods or chattels, as a distress by force of the statute in that case made and provided, without more particularly

setting forth this Act, or the cause of making or detaining the said distress or distresses, or making any other more special plea, avowry

or cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the matter on which the cause

of action arose was done, or that the distress replevied was made in pursuance and by authority of this Act, or that such action or suit shall have been brought before *Thirty Days'* notice thereof was given

as aforesaid, or after a sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same, as aforesaid, or shall be brought in any other County, County of a City, or County of a Town than as aforesaid, then the Jury shall find for the

Defendant

5 Defendant or Defendants or Avowant or Avowants ; and upon such verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her or their action, suit or prosecution after the Defendant shall have appeared, or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants or Avowant or Avowants shall recover *Double Costs*, and have such remedy for the same as any Defendant or Defendants hath or have in other cases of costs given by law. Double Costs.

SCHEDULES to which this ACT refers.

No. 1.

Barony of B., in the County of C.

VALUATION of LANDS, &c. within the several Parishes and Townlands in the said Barony; made in pursuance of the Act 6 & 7 WILL. IV. c. for the uniform Valuation of Lands in Ireland.

	Acres.	Annual Value of Lands, &c.	TOTAL in each Parish.	
			Acres.	Value.
Parish of A.		£.	No.	£.
Townland D. - - - -	250	120		
----- E. - - - -	100	100		
----- F. - - - -	50	25		
Total in the Parish of A.			400	245
Exemptions in the Parish A.				
Parish of G.				
Townland H. - - - -	60	100		
----- I. - - - -	47	37		
----- K. - - - -	160	240		
Total in the Parish of G.			267	377
Exemptions.				
&c. &c. &c.				
TOTAL in Barony - - - -			667	622

THE Meeting of the Committee of Appeal, named for the said Barony by the Grand Jury of the said County, is appointed for the day of next, at the Court House at [or at any other place fixed for the Meeting]. Dated this day of 18 .

To the High Constable [or, Collector of the Cess]} C. V.
for the Barony of B. Commissioner of Valuation for the County of C.

A Copy of this List is to be transmitted by the High Constable [or, Collector] to the Church-wardens of the several Parishes within the said Barony of B., and to be posted in manner directed by the said Act 6 & 7 Will. IV. c. for the Valuation of Lands in Ireland.

Letters to be addressed to C. V. at

No. 2.

County of C.

VALUATION of LANDS, &c. within the several Baronies in the said County, made in pursuance of the 6 & 7 WILL. IV. c. , for the uniform Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	TOTAL in each Barony.	
				Acres.	Value.
A.	B.	No.	£.	No.	£.
	Exemptions.	140	90		
	F.	200	100		
	Exemptions.				
Total of Barony A. - -				340	190
I.	K.	400	200		
	Exemptions.				
	N.	80	40		
	Exemptions.				
Total of Barony I. - -				480	240
&c.	&c.	&c.	&c.	&c.	&c.
TOTAL of all the Baronies in the County - - -					

THE Meeting of the Committee of Revision named by the Grand Jury of the said County is appointed for the day of next, at the County Court House at [or at any other place fixed for the Meeting]. Dated this day of 18 .

C. V.
Commissioner of Valuation of the said County.

The Clerk of the Peace is required by the said Act to give notice of the day and place above appointed to each and every Member of the said Committee of Revision, and also to advertise the same in some public Newspaper circulated in the said County, Fourteen Days at least before the said day of meeting.

425

No. 3.

County of C.

VALUATION of LANDS, &c. within the several Baronies in the said County, finally confirmed and agreed on by the Committee of Revision appointed by the Grand Jury of the said County, in pursuance of the Act 6 & 7 WILL. IV. c. for the uniform Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	TOTAL in each Barony.	
				Acres.	Value.
A.	B. Exemptions.	No. 140	£. 90	No. 340	£. 190
	F. Exemptions.	200	100		
	Total of Barony A. - - -				
I.	K. Exemptions.	400	200	480	240
	N. Exemptions.	80	40		
	Total of Barony I. - - -				
&c.	&c.	&c.	&c.	&c.	&c.
TOTAL of all the Baronies in the County				-	-

C. D.,
Commissioner of Valuation for the
County of C.

County Court House,
day of 18

E. F., } Members of the Committee
G. H., } of Revision for the said
I. K., } County.

Valuation (Ireland.)

A

B I L L

To consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate.

(Prepared and brought in by
*Lord Viscount Morpeth, Mr. Attorney-General
for Ireland, and Sir Robert Ferguson.*)

*Ordered, by The House of Commons, to be Printed,
1 July 1836.*

487



A

B I L L

For abolishing the system of Plurality of Voting in Vestries and Unions.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREBY by an Act passed in the fifty-eighth year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for the Regulation of Parish Vestries,” it was enacted, that in all such Vestries every inhabitant present who shall, by the last rate which shall have been made for the relief of the poor, have been assessed and charged upon or in respect of any annual rent, profit or value, not amounting to Fifty Pounds, shall have and be entitled to give One Vote, and no more; and every inhabitant there present who shall, in such last rate, have been assessed or charged upon or in respect of any annual rent or rents, profit or value, amounting to Fifty Pounds or upwards (whether in one or in more than one sum or charge), shall have and be entitled to give One Vote for every Twenty-five Pounds of annual rent, profit and value, upon or in respect of which he shall have been assessed or charged in such last rate, so nevertheless that no inhabitant shall be entitled to give more than Six Votes; and in cases where two or more of the inhabitants present shall be jointly rated, each of them shall be entitled to vote according to the proportion and amount which shall be borne by him of the joint charge; and where one only of the persons jointly rated shall attend, he shall be entitled to vote according to and in respect of the whole of the joint charge:

Preamble:
58 Geo. 3.

And whereas, by another Act passed in the Session of Parliament
 4 & 5 Will. 4. holden in the fourth and fifth years of His present Majesty, intituled,
 “An Act for the Amendment and better Administration of the Laws
 relating to the Poor in England and Wales,” it was and is enacted;
 that in all cases of elections of Guardians under the said last-mentioned 5
 Act, or whenever the consent of the owners of property or rate-payers
 in any Parish or Union shall be required for the purposes of the said
 last-mentioned Act, the owner as well as the rate-payer, in respect
 of any property in such Parish or Union, shall be entitled to vote,
 and that the owner shall have the same number and proportion of 10
 Votes respectively as is provided for inhabitants and other persons
 in and by the fifty-eighth of GEORGE the Third, the hereinbefore
 first-mentioned Act, and that the Rate-payers under Two hundred
 Pounds shall each have a single Vote; and that the Rate-payers
 rated at Two hundred Pounds or more, but under Four hundred 15
 Pounds, shall each have Two Votes; and that the Rate-payers rated
 at Four hundred Pounds or more shall each have Three Votes; and
 that the majority of the Votes of such Owners and Rate-payers which
 shall be actually collected and returned, shall in every such case be
 binding on such Parish or Union; and that where any such Owner 20
 shall be the bonâ fide occupier of any such property, he shall be
 entitled to vote as well in respect of his occupation as of his being
 such Owner:

And whereas, by divers other Acts of Parliament, a plurality of
 Votes is given to certain persons in respect of various matters 25
 connected with the administration of the laws for the relief of the
 poor in England and Wales, and other parochial matters:

And whereas the right of certain persons to give a plurality of
 Votes at one election often has the effect of defeating the wishes
 of the majority of persons having the right of voting, and whose 30
 aggregate property and assessments greatly exceed the assessments,
 ownerships and property of those owners and rate-payers to whom
 a plurality of Votes is allowed by law;

1.
 Repeal of so
 much of
 58 Geo. 3, and
 4 & 5 Will. 4,
 and all other
 Acts, as allow
 more than
 One Vote in
 Vestry Elec-
 tions.

BE it therefore Enacted, by The KING's most Excellent
 MAJESTY, by and with the Advice and Consent of the Lords Spiritual 35
 and Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, THAT so much of the said
 recited Acts, and so much of any Act to amend the same, and so
 much of all such other Acts as aforesaid as allow or entitle any one
 person to give more than One Vote at one Election in Vestries, or for 40
 the election of Boards of Guardians, or other proceeding, shall be
 and are hereby Repealed; and after the *passing of this Act*, no person
 shall have or be entitled to give more than *One Vote* at any election,

or

or other proceeding relating in any wise to the administration of the laws for the relief of the Poor in England and Wales, or to any other parochial matter whatsoever.

5 Provided nevertheless, and be it Declared and Enacted, That
nothing herein contained shall be construed to deprive any person
of the right of giving *One* Vote, who, at every election or other
proceeding, would be entitled to give either one or more Votes under
any of the before-mentioned Acts of Parliament.

2.
Power to give
One Vote.

Parish Vestries.

A

B I L L

For abolishing the system of Plurality of Voting
in Vestries and Unions.

(*Prepared and brought in by*
Mr. Wakeley and Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
16 May 1836.



A

B I L L,

INTITULED,

AN ACT to render valid certain Marriages solemnized in a Chapel of Ease, in the Parish of *Wandsworth* in the County of *Surrey*, called *Saint Ann's* Chapel.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

- 1 **W**H E R E A S *Saint Ann's* Chapel, in the Parish of *Wandsworth*, in the County of *Surrey* and Diocese of *Winchester*, is a Chapel of Ease to the Parish Church of *Wandsworth* aforesaid, and hath been duly consecrated for the performance of Divine Service, but no authority hath ever been given by the Bishop of the said Diocese for the publication of Banns and the solemnization of Marriages in the said Chapel: And whereas divers Marriages have been solemnized in the said Chapel by the Officiating Minister for the time being of the Parish Church of *Wandsworth* aforesaid, and by the Officiating Minister for the time being of the said Chapel, and other Clergymen, under the erroneous conception that according to the terms of the sentence of consecration of the said Chapel or otherwise, Marriages might be lawfully solemnized therein; and entries of the several Marriages so solemnized as aforesaid have been from time to time made in the Register Book of the said Parish, in compliance with the provisions of an Act of Parliament passed in the fourth year of the reign of King GEORGE the Fourth, intituled, "An Act for amending the Laws respecting the Solemnization of Marriages in
- 2 *England*," except that in each such entry it hath been expressly stated that the Marriage was solemnized in the said Chapel: And whereas it is expedient to remove all doubts arising from the circumstances aforesaid touching the validity of the Marriages so solemnized

That there is a Chapel of Ease in the Parish of *Wandsworth* called *Saint Ann's* Chapel.

That divers Marriages have been solemnized therein.

4 G. 4. c. 76.

That it is expedient to remove Doubts touching the validity of the said Marriages.

in the said Chapel as aforesaid; ~~BE~~ it ~~therefore~~ Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all Marriages solemnized in the said Chapel called *Saint Ann's* Chapel, by the Officiating Minister for the time being of the said Parish Church of *Wandsworth*, and by the Officiating Minister for the time being of the said Chapel, or by any other Clergymen respectively being Ministers of the Church of *England*, shall be as good and valid in the law, to all intents and purposes whatsoever, as if the same had been solemnized in the Parish Church of *Wandsworth* aforesaid.

1.
Marriages
already
solemnized in
the Chapel
declared to
be valid.

2.
Ministers
solemnizing
such Mar-
riages, &c.
not to be
liable to
Penalties.

And be it further Enacted, That the Minister or Ministers who solemnized such Marriages respectively as aforesaid, shall not be liable to any ecclesiastical censures, or to any other proceedings or penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same respectively.

3

3.
Registers to
be Evidence.

And be it further Enacted, That the Registers of the Marriages so solemnized as aforesaid, or copies of such Registers, shall be received in all Courts of Law and Equity as evidence of such Marriages respectively, in the same manner as the same would have been receivable in evidence in case the said Marriages respectively had been solemnized in the Parish Church of *Wandsworth* aforesaid, and the fact of the same Marriages having been solemnized in the said Parish Church had been stated in the Registers relating to such Marriages respectively.

4.
This Act not
to authorize
future Mar-
riages in the
Chapel.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to authorize the publication of Banns or the solemnization of Marriages in the said Chapel hereafter.

Wandsworth Chapel Marriages.

A

B I L L,

INTITLED,

AN ACT to render valid certain Marriages
solemnized in a Chapel of Ease, in the
Parish of *Wandsworth* in the County of
Surrey, called *Saint Ann's Chapel*.

Ordered, by The House of Commons, to be Printed,
9 June 1836.



(Ireland.)

A

B I L L

To promote the Reclamation and Improvement of Uncultivated Lands in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH^{EREAS} there are in Ireland numerous large tracts of Preamble.
uncultivated Lands, consisting of Bog Lands, Lands adjoining
rivers, streams and lakes, periodically flooded or covered with water,
and other Lands rendered unproductive by various natural causes,
5 many of which by the application of proper means are capable of
being reclaimed and improved, but from want of unanimity among the
Proprietors, and from the inability of Tenants for life and other persons
having partial interests to charge the inheritance of their respective
estates with their proportion of the requisite outlay, no efficient measures
10 can be adopted for effecting such improvements;

BE it therefore Enacted, by The KING's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, THAT in every case where the Proprietors of
15 *Two-thirds* or more in extent and value of any tract or parcel of Bog
or uncultivated Land which shall be considered to be capable of being
brought into cultivation, shall consent in writing to contribute towards
the necessary expenses for improving the same, then every other
Proprietor of any portion of such tract or parcel of Land shall be
bound to pay and contribute a due proportion of such expenses, in the
same manner as if he or she had formally consented thereto.

1.
Consent of
Proprietors of
two-thirds of
any tract of
Land to con-
tribute
towards the
expenses of
improving
the same to
be binding on
the other
Proprietors.

2.

Committees,
Trustees,
Tenants for
life, &c.
authorized to
apply to
Court of
Chancery for
leave to con-
sent.

And be it Enacted, That it shall and may be lawful for all Committees and Curators of lunatics or idiots, guardians of infants, and all Trustees or persons acting on behalf of married women and other persons incapable of acting for themselves, who shall be interested in or entitled to any portion or portions of any such tract or parcel of Land so proposed to be improved, for and on behalf of such lunatics, idiots, infants, married women, and other persons incapable of acting for themselves, and also for all tenants for life and other persons entitled to partial interests (except tenants at rack-rent), to apply in a summary way by Petition to His Majesty's Court of Chancery or Exchequer in Ireland, for leave to consent to contribute towards the expenses of improving such Land; and such Court shall have power to inquire into the propriety of giving such consent, and to make such order on such Petition, and as to the costs thereof, as to such Court shall seem meet; and if such Court shall authorize any such consent being given, then it shall be lawful for the party who shall have presented such Petition to give such consent and the same shall be as binding and effectual to all intents and purposes whatsoever as if the party giving the same had been the sole absolute owner in fee-simple of the Land in respect of which such consent shall be given: Provided always, That nothing herein contained shall authorize any such party under any circumstances to give any such consent, where the proportion agreed to be contributed of the expenses aforesaid shall be estimated to exceed *Four Years'* gross average annual value of the estate of which the Land in respect whereof such consent shall be proposed to be given shall form a part; such average value to be estimated in such manner as the Court to whom the application shall be made shall direct: Provided also, That any party who shall present any such Petition and shall give any such consent as aforesaid in pursuance of any order made upon any such Petition, shall not be guilty of any breach of trust or misfeasance by reason of having presented such Petition or given such consent.

3.

Com-
missioners to be
appointed.

And be it further Enacted, That in every case where any Land shall be so proposed to be improved, some fit and proper person or persons shall be nominated and appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, to act as a Commissioner or Commissioners for superintending the reclamation and improvements proposed to be made, and for dividing and apportioning the expenses of and incidental to the same, and for applotting such expenses upon the Lands and Estates which shall be benefited by such improvements; and every person who shall be so nominated shall be considered and be qualified to act as a Commissioner for the purposes aforesaid; and in every case where more than two Commissioners shall be appointed to act, all matters, acts and things authorized or necessary to be done and executed by such Commissioners or any other Commissioner or Commissioners who shall be appointed as hereinafter mentioned,

mentioned, may be done and executed by the majority of them, and the same shall be as good, valid and effectual, and shall have the same force and effect as if such matters, acts and things had been done and executed by all of the Commissioners.

4.
For appoint-
ing new Com-
missioners.

5 And be it further Enacted, That if any such Commissioner shall re-
fuse or become incapable to act as a Commissioner for the purposes afore-
said, or shall die before all the powers, authorities and trusts reposed
and vested in him either alone or in conjunction with any other Com-
missioner or Commissioners shall be fully executed and performed, then
10 and in every such case the Lord Lieutenant or other Chief Governor
or Governors of Ireland for the time being, shall appoint another
person to be a Commissioner for the purposes aforesaid in the place of
such Commissioner so refusing or becoming incapable to act or dying
as aforesaid; and every person so to be appointed a Commissioner as
15 aforesaid, shall, after taking the oath or affirmation hereinafter set forth,
have the like powers and authorities for effecting the purposes aforesaid,
in all respects as if he had been originally nominated and appointed a
Commissioner.

5.
Commission-
ers to take an
Oath or
Affirmation.

20 And be it further Enacted, That no person shall be capable of acting
as a Commissioner (except in administering the oath or affirmation here-
inafter mentioned to any other Commissioner) until he shall have taken
the oath, or (being a Quaker) made the affirmation hereinafter men-
tioned; (that is to say)

Oath.

25 "I, A. B. do swear [or, being a Quaker, do solemnly affirm], That I
will truly and impartially, according to the best of my skill and
knowledge, execute and perform all the powers and authorities
in the execution whereof I shall at any time act as a Com-
missioner pursuant to an Act made in the seventh year of the
reign of His Majesty King WILLIAM the Fourth, intituled,
30 "An Act," [et cetera, here set forth the title of this Act.]

So help me GOD."

Which oath or affirmation it shall be lawful for any Justice of the
Peace to administer, or for any one Commissioner to administer to any
other Commissioner.

6.
Persons act-
ing without
taking the
Oath to for-
feit

35 And be it further Enacted, That in case any person shall act as a
Commissioner before he shall have taken the said oath or made the
said affirmation, every such person shall forfeit and pay the sum of

Pounds to any person who shall sue for the same, to
be recovered with full costs of suit by action of debt or on the case in
40 any of His Majesty's Courts of Record in Dublin, wherein no essoign,
protection or wager of law, or more than one imparlance shall be

allowed ; and the person so proceeded against shall prove that he has taken such oath or made such affirmation, or otherwise shall pay the said sum of Pounds, without any other evidence on the part of the Plaintiff than that such person has acted as a Commissioner for the purposes aforesaid, or any of them. 5

7.
Notice of
Meetings of
Commission-
ers to be
given

And be it further Enacted, That in every case the Commissioner or Commissioners for the purposes aforesaid, shall and he and they is and are hereby required to cause notice of the time and place of his or their first and every other meeting, to be inserted in the newspapers printed or circulated within the district or county wherein the Land proposed to be improved shall be situate days at least before every such meeting. 10

8.
Other Notices
to be given.

And be it further Enacted, That all other Notices necessary or requisite to be given by any Commissioner or Commissioners for the purposes aforesaid in pursuance of this Act, shall be so given by Advertisement in the Newspapers printed or circulated within the district or county wherein the Land proposed to be improved shall be situate. 15

9.
Proceedings
to be entered
in a Book.

And be it further Enacted, That all orders, proceedings and determinations of any Commissioner or Commissioners for the purposes aforesaid, shall be entered in a Book or Books to be provided for that purpose, and shall be signed by such Commissioner or Commissioners, and being so signed shall be deemed and taken for originals ; and all such Books shall and may be read in evidence in all actions, suits and other proceedings touching any matter or thing done in relation to or in pursuance of the provisions herein contained. 25

10.
Proprietors to
pay their own
expenses at
meetings.

And be it further Enacted, That all Proprietors, and their Attornies and Agents, when they respectively shall attend any Commissioner or Commissioners for the purposes aforesaid, at any sittings to be held as aforesaid, shall pay their own expenses.

11.
Survey to be
made.

And be it further Enacted, That the Commissioner or Commissioners for the purposes aforesaid shall in every case cause a survey, admeasurement and plan of the Land proposed to be reclaimed or improved, or of such part or parts thereof as he or they may think necessary, to be made : Provided nevertheless, That if any plan or plans, survey or surveys already made shall be produced and laid before the Commissioner or Commissioners, of the authenticity and accuracy of which he or they shall be satisfied, it shall be lawful for the said Commissioner or Commissioners to make use of the same without causing a new survey to be made. 30 35

And

499

12.

Commissioners to have power to enter upon Lands.

And be it further Enacted, That every Commissioner for the purposes aforesaid respectively, or any of them, and their servants and assistants, and all persons employed by them respectively, shall have and they are hereby vested with full power and authority at any time or
 5 times whatsoever to enter into, view, examine, survey and admeasure all or any of the Lands proposed to be improved, for enabling them respectively to effect the purposes aforesaid or any of them respectively.

13.

Power to drain Lands.

And be it further Enacted, That it shall be lawful for any Commissioner or Commissioners for the purposes aforesaid, by such contractor or contractors, surveyors, agents, workmen and labourers as he or they shall think fit to engage with or employ, to raise or make any embankments, and to take down, remove or alter any dams, weirs and other impediments, or so much thereof respectively and in such manner
 15 as he or they shall in his or their judgment think necessary and expedient, making full and ample compensation for the same and for the damage to be done thereby to the respective owners thereof; and such Commissioner or Commissioners shall and may also widen, deepen, alter, enlarge, divert, contract, turn, change, discontinue or stop any
 20 river, stream, rivulet, brook, watercourse, drain or embankment in such manner as he or they shall think proper or necessary; and also shall and may make new roads, watercourses, sluices, drains, ditches, cuts, dams, channels, culverts, tunnels, banks, bridges, outlets, weirs, engines, fences or other works, in, through, upon and over, as well the Lands
 25 proposed to be reclaimed or improved, as also in, through, upon and over any adjacent Lands (the same not being a garden, orchard, planted walk or avenue to any house) without the consent of the owners or proprietors thereof for the time being respectively, making full and ample satisfaction to the owners of such Lands.

14.

Penalty on persons destroying or damaging works of drainage.

And be it further Enacted, That all and every person and persons who shall unlawfully, wilfully, maliciously or wantonly spoil, damage, injure or destroy any watercourse, sluice, drain, weir, embankment, fence or other work which shall be made, erected, widened or altered as aforesaid, for the reclaiming, draining or improving of any Lands, or
 35 unlawfully, wilfully, maliciously or wantonly stop or dam up any of the watercourses or drains, or throw, lay or place any matter or thing therein for that purpose, or which shall impede the free passage of water therein, or meddle or interfere with any floodgate or sluice, by means whereof any injury or damage shall or may be done to any of such
 40 Lands, every such person being convicted thereof shall forfeit and pay such sum not exceeding Pounds as any Justice of the Peace shall adjudge and order, over and besides the amount of the damage done, which damage shall be ascertained by any such Justice; and the said penalty and amount of the damage shall be applied in rectifying and repairing the said works so injured or damaged.

15.

Commissioners may enter Lands and dig for materials (after notice given to appear and show cause) making compensation.

And be it further Enacted, That it shall be lawful for the said Commissioner or Commissioners, or any person or persons authorized by him or them respectively, to search for, dig, gather, take and carry away any materials out of any Lands or premises lying within or contiguous to the Lands proposed to be improved, for making and executing any of the works executed or to be executed under the provisions of this Act, making or tendering such satisfaction for such materials and for the damage done to the owners or occupiers of the Lands where and from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as to the said Commissioner or Commissioners shall seem fit and reasonable ; but it shall not be lawful for the said Commissioner or Commissioners, or any person by him or them authorized, to dig, gather, get or take or carry away any materials for the purposes aforesaid, out of or from any inclosed land or ground, until notice in writing signed by him or them respectively shall have been given to the owner or owners or occupier or occupiers of the lands or grounds from which the same are intended to be taken and carried away, to appear before any two or more Justices of the Peace sitting in petty sessions acting for the county or place from whence such materials intended to be taken away shall be, to show cause why such materials should not be taken therefrom ; and in case such owner or occupier or his agent shall attend pursuant to such notice, but shall not show sufficient cause to the contrary, such Justices shall, if they think proper, authorize the said Commissioner or Commissioners, or any person by him or them authorized or employed, to get, dig and carry away such materials, at such time or times as such Justices shall deem proper ; and if such owner or occupier shall neglect or refuse to appear by himself or herself, or his or her agent, the said Justices shall and may, upon proof or oath of the service of such notice, (and which oath they are hereby empowered to administer) make such order therein as they shall think fit, as fully and effectually to all intents and purposes as if such owner or occupier or his or her agents had attended ; and in case of any difference between such company of undertakers or trustees, or person authorized and employed by them as aforesaid, and the owners or occupiers of such Lands, or any of them, from which such materials shall be taken or through which they may be carried, concerning the payments and compensation for dams as aforesaid, it shall be lawful for any *Two* or more Justices of the Peace for the county or place from whence such materials shall have been taken shall be situate, on *Ten* Days' notice thereof being given in writing by either party to the other, to hear, settle and determine the matter and amount of such payments and damages, and of the costs attending the hearing and determining the same.

If Party is dissatisfied with compensation, any two Justices of the county may settle the same.

16.

Commissioners to fill up holes and pits

And be it further Enacted, That if the said Commissioner or Commissioners, or any person or persons authorized by him or them respectively,

respectively, shall, by reason of the searching for, digging or getting any materials as aforesaid for making and executing any of the works hereby authorized to be executed, make or cause to be made any pit or hole in any common or other Lands or Grounds wherein such materials shall be found, the said Commissioner or Commissioners, or persons authorized by him or them, shall forthwith cause the same to be sufficiently fenced off during such time as the said pit or hole shall be found useful, and shall, within *Six Days* after having dug up sufficient materials, if such pit or hole is not likely to be further useful, cause the same to be filled up, sloped down or fenced off, and so continued; and if the same is likely to be further useful, the said Commissioner or Commissioners, or persons authorized by him or them, shall sufficiently secure the same by posts and rails or other fences, to prevent accidents to cattle or persons.

not found
useful, and
fence off
those that
may be found
useful.

And be it Enacted, That if by any cut, drain or other work made in exercise of the powers hereby given, any ways, roads, paths or passages, whether the same be public, private, foot, cattle or carriage ways, shall be disturbed or interrupted, or any lands intersected in such manner as to render the future occupation thereof inconvenient or unprofitable, the said Commissioner or Commissioners shall and they are hereby required, with all convenient speed after such works shall be completed, to cause other convenient ways to be made and opened, and any bridges which may be required to be properly built for the convenient use and passage of any person or persons entitled to use such ways either on foot or with cattle or carriages, or for the convenience of the public or of the parties entitled to the use and occupation of any lands intersected in manner aforesaid, as the case may be, and to defray the expense of making such ways and erecting such bridges out of the monies to be raised by virtue of the Award of the said Commissioner or Commissioners.

17.
Where paths
are interrupt-
ed and cuts
made so as to
require
bridges, Com-
missioners to
make new
ways and
build bridges.

Provided always, and be it Enacted, That in case of any road, way, bridge, drain, channel or watercourse which may heretofore have been usually kept in repair or ought to have been kept in repair by the Owner or Owners of any Lands, or by any Body Corporate or Grand Jury, person or persons liable to the maintenance and repairs thereof by prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt or altered under the powers of this Act, such new, diverted, substituted, altered or rebuilt road, way, bridge, drain, channel or watercourse, shall, after the completion thereof, be thenceforth maintained and kept in repair by such Owners, Body Corporate or Grand Jury or other person respectively, in the same manner as such Owners, Body Corporate, Grand Jury or persons maintained and repaired as aforesaid such road, way, bridge, drain, channel or watercourse in respect of which such diversion, substitution, rebuilding or alteration as aforesaid may have been made.

18.
In case new
Bridges are
built where
old ones for-
merly stood,
persons liable
to repair the
old ones shall
repair the
new.

19.

Power to
take Lands.

And be it further Enacted, That for the purposes aforesaid it shall be lawful for any Commissioner or Commissioners for the purposes aforesaid, or any of them, and he and they is and are hereby authorized and empowered to take and use, or cause to be taken and used any Lands, mills tenements or hereditaments, and pull down and remove or cause to be pulled down and removed any mills which it may be deemed necessary and expedient to pull down and remove for the purposes aforesaid, or any of them, at any time after the expiration of calendar Months, after notice in writing from the said Commissioner or Commissioners, or his or their Agent duly authorized, of the intention to take or use the same, shall have been left with the tenant or tenants, occupier or occupiers of the same Lands, mills, tenements or hereditaments, or shall be affixed upon the same premises.

20.

Bodies Politic
and Trustees,
and other
persons em-
powered to
sell and
convey.

And be it further Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, ecclesiastical or lay, aggregate or sole, and for all trustees and feoffees in trust for charitable and other purposes, and all executors and administrators, not only for and on behalf of themselves, their successors, heirs, executors and administrators respectively, but also for and on behalf of their respective cestuique trusts, whether infants, femmes covert, idiots, lunatics or persons not born or not ascertained, or any other person or persons whomsoever, and to and for all tenants for life or for years, absolute or determinable on any life or lives, and all persons having any other partial or qualified estate or interest, not only for and on behalf of themselves, their heirs, executors, administrators and issue, but also for and on behalf of the person or persons entitled in remainder, reversion, expectancy or contingency, or for any other future estate or interest where such person or any of such persons, whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained, or shall be incapable of contracting for selling the same, and to and for all guardians on behalf of their respective wards, husbands on behalf of their respective wives, committees on behalf of the persons of whose estates they shall be committees, and the heirs, executors, administrators and issue of such wards, wives or persons respectively, and to and for all femmes covert entitled in their own right to any such Lands, mills, tenements or hereditaments, or to dower or to any other interest therein, on behalf not only of themselves, but also of their respective heirs, executors, administrators and issue; and also where such wards, wives, persons or femmes covert respectively shall be tenants for life or in tail, or for years, or have any other partial or qualified estate or interest to and for such guardians, husbands, committees and femmes covert, on behalf of the person or persons on behalf of whom such wards, wives, persons or femmes covert respectively, if of full age, unmarried, and of sound mind, might have contracted for the same Lands, mills, tenements or hereditaments, and to and for all and every other person or persons

persons whomsoever who is, are or shall be seised or possessed of or interested in any Lands, mills, tenements or hereditaments, which, or part of which, by the said Commissioner or Commissioners shall be thought necessary for any of the purposes aforesaid to contract for and
 5 sell the same, and every or any part thereof, to the said Commissioner or Commissioners; and all contracts and agreements which shall be made by such bodies politic, corporate or collegiate, trustee or trustees, or other person or persons as aforesaid, shall be valid and effectual in the law to all intents and purposes whatsoever, on all
 10 bodies politic, corporate or collegiate; and all persons whomsoever contracting as aforesaid are hereby indemnified for or in respect of any such sale which they, he, she or any of them shall respectively make by virtue or in pursuance of this Act.

And be it further Enacted, That if any body or bodies politic, corporate or collegiate, trustee or trustees, or any other person or persons seised, possessed of or interested in or hereinbefore authorized to contract for and sell any lands, mills, tenements or hereditaments, or any share or shares, estate or estates, interest or interests therein, or charge or charges thereon as aforesaid, or any occupier or occupiers
 20 thereof sustaining any loss, injury or damage as aforesaid, for and on his, her or their part or parts, or for or on the part of his, her or their cestuique trusts or wards, or of any other person or persons as aforesaid, shall refuse to accept such purchase-money, satisfaction or recompense, or other compensation as shall be offered by the said Commissioner or Commissioners, or if any body or bodies politic, corporate or
 25 collegiate, or any person or persons seised or possessed of or interested in any such lands, mills, tenements or hereditaments as aforesaid, shall (upon such notice as hereinbefore is mentioned, having been left with the tenant or tenants, occupier or occupiers of such land, mills, tenements or hereditaments, or affixed upon the same premises) for the space of calendar Months next after such notice neglect or refuse to send in the particulars of their, his or her claim, or shall neglect or refuse to treat or agree, or shall not agree for the sale of
 30 such lands, mills, tenements or hereditaments, or other respective shares, estates and interests therein or charges thereon, or cannot be found or known, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they shall claim therein, to the satisfaction of the said Commissioner or Commissioners, then and in every or any such case the said Commissioner or Commissioners
 35 shall, and he and they is and are hereby empowered thereupon or at any time thereafter to issue a warrant or warrants, precept or precepts under his or their hand or hands to the Sheriff of the county wherein such lands, mills, tenements, hereditaments or any part thereof shall be situate, commanding such Sheriff to summon, return and impanel a Jury; and such Sheriff is hereby authorized and required accordingly

21.
 When Parties refuse to accept satisfaction or to treat, or cannot be found, Commissioners to issue a precept for impannelling a Jury.

to summon, return and impanel substantial and indifferent persons qualified to serve on Juries; and the persons so to be summoned, returned and impanelled as aforesaid are hereby required to come and appear before the said Sheriff at such time and place as in such warrant or warrants, precept or precepts shall be directed and appointed, and to attend the said Court from day to day until discharged; and out of such persons so to be summoned, returned and impanelled, a Jury of men shall be drawn in such manner as Juries for the trial of issues joined in His Majesty's Courts at Dublin are directed to be drawn; and in case a sufficient number of Jurymen shall not appear at the time and place appointed as aforesaid, some person to be by the said Court appointed shall return other substantial, honest and indifferent men of the bystanders or others who can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said Jury to the number of and all parties concerned shall and may have their lawful challenges against any of the said Jurymen, but shall not be at liberty to challenge the array; and the said Sheriff is hereby authorized and empowered from time to time, as often as occasion shall require, by precept or precepts to summon and call before him all and every or any person and person whomsoever who shall be thought proper and necessary to be examined as a Witness or Witnesses on his, her or their oath or oaths, affirmation or affirmations, touching or concerning the premises; and the said Sheriff, if he thinks fits, shall and may, on the application of either party, likewise authorize the said Jury or any or more of them, either before or after they shall be sworn, to view the place or places and premises in question in such manner as he shall direct; and the said Sheriff shall have power to adjourn such meeting from day to day as occasion shall require, and to command such Jury, Witnesses and Parties to attend until all such affairs for which they were summoned shall be concluded; and the said Jury upon their oaths or affirmations (which oaths or affirmations, as well as the oaths or affirmations of such person or persons as shall be called upon to give evidence, the said Sheriff is hereby empowered and required to administer), shall inquire into, assess and ascertain and give a verdict for the sum or sums of money to be paid for the purchase or a satisfaction or recompense for either the entirety of such lands, mills, tenements or hereditaments, or for any share or shares, estate or estates, interest or interests therein, or charge or charges thereon, as in such warrant or warrants, precept or precepts shall be directed, and the compensation which shall be made in respect of any injury or damage whatsoever to be sustained as aforesaid to any body or bodies politic, corporate or collegiate, person or persons, as in such warrant or warrants, precept or precepts shall be directed; and the said Jury in estimating such satisfaction or recompense shall take into their consideration the increase in value of the residue of any property of which such lands, mills, tenements or hereditaments shall form

Jury may be
challenged.

form part in consequence of the improvements proposed to be made, and shall estimate such compensation by reference to what in the opinion of such Jury the property injured or damaged would have been worth if the improvements proposed to be made had not been in contemplation; and the said Sheriff shall give judgment for such purchase-money, satisfaction, recompense or compensation so to be assessed; which said Verdict or Verdicts and the said Judgment and Judgments thereupon shall be binding and conclusive to all intents and purposes upon all bodies politic, corporate or collegiate, and upon all persons whomsoever; provided that not less than Days' notice in writing of the hour or time and place at which such Jury are so required to be returned and meet be given to the person or persons interested, or left with the tenant or occupier of the said lands, mills, tenements or hereditaments, or affixed upon the said premises; and the said Verdicts, Judgments and Determinations and all other proceedings of the said Sheriffs and Juries so to be made, given and pronounced as aforesaid, shall be fairly written on parchment and signed by the Clerk of the Peace for the time being of the county wherein such proceedings shall take place.

Verdict of Jury to be final.

Previous notice being given to Parties interested.

And be it further Enacted, That the said Sheriffs and Juries shall award all Determinations, Judgments and Verdicts which they shall make and give in execution of the powers hereby vested in them concerning the value of lands, mills, tenements or hereditaments, or any share or shares, estate or estates, interest or interests therein, or charge or charges thereon, separately and distinctly from any loss or damage to be sustained by any person or persons in consequence of the execution of any of the powers of this Act, and shall distinguish the value set upon the hereditaments, or share or shares, estate or estates, interest or interests therein, charge or charges thereon, and the money assessed or adjudged for such loss or damage as aforesaid separately and apart from each other; and when any money shall be assessed or adjudged for such loss or damage as aforesaid, the Jury shall, if required, award and declare whether the statement delivered by the Claimant or Claimants of the manner in which any amount of money which shall have been demanded as a compensation for the same, has been computed and made up, gave sufficient particulars to enable the said Commissioner or Commissioners to make a proper offer.

22.

Verdict of value of lands and damages to be ascertained separately.

And be it further Enacted, That every such Jury and Juryman as aforesaid, shall be under and subject to the same regulations, pains and penalties, as if such Jury or Juryman had been returned for the trial of any issue joined in any of His Majesty's Courts of Record in Dublin, and that all and every person and persons who in any examination to be taken by virtue of this Act shall wilfully give false evidence before the said Sheriff, or before any such Jury as aforesaid shall and

23.

Jury to be under the same regulations as in the Courts in Dublin.

may be prosecuted for the same, and upon conviction thereof shall be subject to such punishments and disqualifications as any person or persons can or may be subject to for *Perjury* by the Laws and Statutes of this realm.

24.
By whom ex-
penses of
Jury shall
be paid.

And be it further Enacted, That in every case in which the said 5
Commissioner or Commissioners shall have required a statement of the
manner in which any amount of money which shall have been de-
manded as a compensation, has been computed and made up, and the
Jury shall be of opinion that the statement delivered by the Claimant
or Claimants did not give sufficient particulars to enable the said Com- 10
missioner or Commissioners to make a proper offer, then and in such
case all the costs and expenses incurred in summoning, returning and
impannelling such Jury, taking such inquisition, and the attendance of
witnesses, and recording the Verdict or Judgment thereon, shall be
paid and borne by such Claimant or Claimants; and in every other 15
case where a Verdict shall be given by any such Jury for more money
than shall have been previously offered by or on behalf of the said
Commissioner or Commissioners as a recompense or satisfaction for
any such lands, mills, tenements or hereditaments as aforesaid, or
for any such estate, right or interest therein, or for any damages that 20
may have been sustained by any person or persons as aforesaid, all the
costs and charges incurred as aforesaid shall be borne by the said Com-
missioner or Commissioners; and in every case, except as aforesaid,
where a Verdict shall be given by any such Jury for no more or for
less money than shall have been previously offered by or on behalf of 25
the said Commissioner or Commissioners, as such recompense or satis-
faction as aforesaid, all the costs and charges incurred as aforesaid
shall be borne in equal proportions by the party or parties refusing or
neglecting to treat or agree as before mentioned, and by the said Com-
missioner or Commissioners; but in cases where any person or persons, 30
party or parties shall have been prevented by absence from entering
into any treaty with the said Commissioner or Commissioners, the
costs and charges so incurred shall be borne by the said Commissioner
or Commissioners in manner aforesaid; and in all cases where any
difference shall arise touching the amount of the said costs and charges, 35
the same shall be taxed by the Prothonotary or other proper officer for
the time being of the Court of King's Bench in Dublin; and where the
costs shall be payable by the party or parties having any such dis-
agreement or dispute with the said Commissioner or Commissioners as
aforesaid, the amount thereof having been first paid by the said Com- 40
missioner or Commissioners, may be deducted by him or them out of
the monies awarded to be paid to such party or parties, as so much
advanced for his her or their use; and the payment or tender of the
balance of such money shall be deemed and taken to all intents
and purposes whatsoever to be a payment or tender of the whole
money awarded and adjudged to such party or parties: Provided
always,

always, That no Jury which shall be summoned by virtue of this Act, shall assess or award any sum or sums of money to any body or bodies politic, corporate or collegiate, person or persons, by way of compensation for any injury or damage in consequence of the execution
 5 of any of the powers of this Act, unless such a statement as hereinbefore is mentioned of the particulars of every such claim, shall have been given or left as aforesaid Days at least before the time of the meeting of such Jury.

Notice of injury to be given, or Jury not allowed to award compensation for the same.

And be it further Enacted, That the said Sheriff shall have power and
 10 authority from time to time to impose any reasonable Fine, not exceeding the sum of on any of the persons summoned and returned on any such Jury or Juries who shall not appear without some reasonable excuse, or shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give his or their verdict, or
 15 shall otherwise neglect his or their duty; and also on any person or persons summoned to give evidence touching any of the matters aforesaid, who shall not attend, having been paid or tendered a reasonable sum for his, her or their expenses, or shall refuse to be sworn or to affirm, or to give his, her or their evidence; and on any other person or
 20 persons who shall in any other manner wilfully neglect his, her or their duty in the premises, contrary to the true intent and meaning of this Act; and from time to time to levy a fine or fines by order of the said Court, by distress and sale of the offender's goods, together with the reasonable charges of every such distress and sale, returning the overplus
 25 (if any) to the owner or owners, and that a copy of the Order of the said Court, signed by the Clerk of the Peace for the time being of the county, shall be sufficient authority to the person or persons therein to be appointed, and to every other person acting or aiding and assisting therein, to make such distress and sale; and all such fines shall be paid
 30 to The King's most Excellent Majesty.

25.
 Sheriff may fine Jurors or Witnesses for not attending.

And be it further Enacted, That all such verdicts, judgments, sentences, determinations, orders and other proceedings of every such Sheriff, as relate to or concern any of the cases before mentioned, and all receipts which the Cashier or Cashiers of the Bank shall give for
 35 any sum or sums of money paid into the Bank in manner hereinafter mentioned, in consequence of any verdict or judgment, shall be entered among the Records of the said Court of King's Bench in Dublin, and the said verdicts, judgments, sentences, decrees and orders, and other proceedings, shall be deemed and taken to be records to all intents and purposes whatsoever; and the same, or true copies thereof, shall be
 40 deemed and taken to be good and effectual evidence in any Court or Courts of Law or Equity whatsoever, and all persons shall and may have recourse to the same gratis, and to take copies thereof, paying for every copy not exceeding Pence for every Seventy-two Words, and so proportionably for any greater or less number of words.

26.
 Verdicts and Judgments to be entered among the records.

27.
Application
of Purchase-
money or
Compensation
when
amounting to
£. 200.

And be it further Enacted, That if any money shall be agreed or awarded to be paid for any lands, mills, tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein taken or purchased by virtue of the powers of this Act, which shall belong to any body politic, corporate or collegiate, or which shall belong to any trustee or trustees or other person or persons who hath or have no power to give a valid receipt for the same, or to sell the same premises otherwise than by virtue of this Act, or for any estate of freehold belonging to a feme covert, such money shall in case the same (after such deduction, if any, for costs, as hereinbefore is mentioned) shall amount to the sum of *Two hundred* Pounds or upwards, with all convenient speed, be paid into the Bank of Ireland in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account there ex parte the person or persons on whose behalf the same shall be so paid, pursuant to the method prescribed by an Act made in the first year of the reign of King GEORGE the Fourth, intituled, "An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster, on account of the Suitors of the said Court, and for the Appointment of an Accountant General and two Masters of the said Court, and for other purposes," and the General Orders of the said Court, and without fee or reward, and shall, when so paid, be applied under the direction and with the approbation of the said Court, to be signified by an order made upon a Petition to be preferred in a summary way by the body or bodies, person or persons who would have been entitled to the rents and profits of the said lands, mills, tenements or hereditaments, in the redemption or discharge of any debt or debts, or such other incumbrances or part thereof as the said Court shall authorize to be paid, affecting the same lands, mills, tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, or affecting other lands, tenements or hereditaments standing settled therewith, to the same or the like uses, intents or purposes, or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said Court, in the purchase of lands, tenements or hereditaments which shall be conveyed and settled to, for and upon such and the like uses, trusts, intents and purposes, and in the manner as the lands, mills, tenements or hereditaments, or any part or parts thereof, shares, estates, interests or charges which shall be so taken or purchased as aforesaid, stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such purchase shall be made, the said money shall, by order of the said Court, upon application thereto, be invested by the said Accountant General in his name, in the purchase of Three Pounds per centum Consolidated or Three Pounds per centum Reduced Bank

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Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the Dividends and annual produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by order of the said Court, to the body or bodies, person or persons who would for the time being have been entitled to the rents and profits of the said lands, mills, tenements or hereditaments so hereby directed to be purchased, in case such purchase and settlement were made.

Provided always, and be it further Enacted, That if any such money which shall be agreed or awarded to be paid for any lands, mills, tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates therein, or charge or charges thereon, taken or purchased as aforesaid, belonging to any Corporation or any trustee or trustees, person or persons, or feme covert, as aforesaid, which (after such deduction, if any, for costs, as hereinbefore is mentioned) shall be less than the sum of *Two hundred* Pounds, and shall exceed or be equal to the sum of *Twenty* Pounds, then and in all such cases the same shall, at the option of the body or bodies, person or persons for the time being entitled to the rents and profits of the lands, mills, tenements or hereditaments, or parts, shares, estates, interests or charges so taken or purchased, or of the guardian or guardians, committee or committees of such person or persons in case of infancy or lunacy, to be signified in writing under their respective hands or seals, be paid in the name and with the privity of the said Accountant General of the Court of Exchequer, to be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like option to Trustees, to be nominated by the body or bodies, person or persons making such option, and approved of by the said Commissioner or Commissioners (such nomination and approbation to be signified in writing under the hands and seals or the seals of the nominating and approving persons), in order that such principal money and the dividends arising thereon may be applied in any manner hereinbefore directed, so far as the case be applicable, without obtaining or being required to obtain the direction or approbation of the Court of Exchequer.

28.
Application where the compensation shall be less than £. 200, and exceed £. 20.

Provided also, and be it further Enacted, That where such money so to be paid as aforesaid shall be no less than *Twenty* Pounds, then and in all such cases the same shall be applied to the use of the body or bodies, person or persons who would for the time being have been entitled to the rents and profits of the lands, mills, tenements or hereditaments, parts, shares, estates, interests or charges taken or purchased as aforesaid, in such manner as the said Commissioner or Commissioners shall think fit; or in case of the infancy or lunacy of such person or persons; then such money shall be paid to his, her or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

29.
Application where the money is less than £. 20.

30.

Purchase-money to be paid into the Bank where owners cannot be found or cannot make a good title.

And be it further Enacted, That if any body or bodies politic, corporate or collegiate, person or persons seised or possessed of or interested in any lands, mills, tenements, or hereditaments or share or shares, estate or estates, interest or interests therein, or charge or charges thereon as aforesaid, cannot be found, or shall not be known, or shall not make out and deduce a good title to the premises to the satisfaction of the said Commissioner or Commissioners, then such sum or sums of money as shall have been contracted and agreed or shall have been assessed and awarded by any Jury or Juries in manner aforesaid to be paid for the purchase or for the value of the same premises, after retaining thereout such costs and charges (if any) as are hereinbefore authorized to be deducted from the same, shall be paid into the Bank of Ireland in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account to the credit of the party or parties interested in the said lands, mills, tenements or hereditaments, parts, shares, estates, interests or charges (describing such lands, mills, tenements or hereditaments); or if such party or parties shall not be known, then to the credit of the then unknown person or persons interested in the said lands, mills, tenements or hereditaments, parts, shares, estates, interests or charges (describing the same tenements or hereditaments), subject to the order, control and disposition of the said Court of Exchequer; which said Court, on the application of any body or bodies, person or persons making claim to such sum or sums of money, or any part thereof, by motion or petition, shall be and is hereby empowered in a summary way, proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estate or estates, title or interest of the body or bodies, person or persons making claim thereunto, and to make such other order in the premises as to the said Court shall seem meet, just and reasonable; and the Cashier or Cashiers of the Bank of Ireland who shall receive such sum or sums of money is and are hereby required to give a receipt or receipts for such sum or sums of money, mentioning and specifying for what the same is or are received, to such person or persons as shall pay any such sum or sums of money into the Bank as aforesaid.

31.

Premises purchased to vest in the Commissioners on payment of purchase-money.

And be it further Enacted, That upon payment or tender of the purchase-money or compensation for any lands, mills, tenements and hereditaments, after deducting thereout such costs and expenses (if any) as aforesaid, to the person or persons entitled to receive the same, or into the Bank of Ireland under the provisions hereinbefore contained, the lands, mills, tenements or hereditaments, or parts, shares, estates, interests or charges for the purchase or as the value of which such purchase-money or compensation shall have been so paid or tendered, and

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and the fee-simple and inheritance thereof, or other the absolute interests therein, together with the yearly profits, and all the estate, right, title, interest, use, trust, property, claim and demand in law and in equity of the body or bodies, person or persons, or unknown person or persons to whom or to whose credit such money shall be paid in, to and out of such lands, mills, tenements, hereditaments and premises, shall vest in the said Commissioner or Commissioners, and he and they shall be deemed in law to be in the actual seizin or possession thereof, to all intents and purposes whatsoever, as fully and effectually as if such person or persons and every body or person having any estate in the premises had actually conveyed the same by lease and release, bargain and sale, enrolled feoffment with livery of seizin, or any other conveyance or assurance whatsoever; and such payments shall not only bar all right, title, interest, claim and demand of the body or bodies, person or persons or unknown person or persons of, in or to the same premises, to whom or to whose credit such payment shall have been made, but also shall extend to and be deemed and construed to bar the dower and dowers of the wife and wives of such person or persons, and all estates tail and other estates in possession, reversion, remainder, expectancy or contingency, and the issue and issues of such person or persons, and every other person whomsoever.

Provided always, and be it further Enacted, That where any question shall arise touching the title of any body or bodies politic, corporate or collegiate, person or persons, to any money to be paid into the Bank of Ireland, in the name and with the privity of the Accountant General of the Court of Exchequer in pursuance of this Act, for the purchase of or in satisfaction for any lands, mills, tenements or hereditaments, or part or parts thereof, or of any estate, right, title, charge or interest in, to or upon any tenements or hereditaments to be taken or purchased in pursuance of this Act, or of any Bank Annuities to be purchased with any such money, or the dividends or interest of any such Bank Annuities, the body or bodies politic, corporate or collegiate, person or persons who shall have been in the possession of such mills, lands, tenements or hereditaments, parts, shares, estates, interests or charges at the time of such purchase, and all body or bodies, person or persons claiming under such person or persons, or under the possession of such body or bodies, person or persons, shall be deemed and taken to have been lawfully entitled to such tenements or hereditaments, parts, shares, estates, interests or charges, according to such possession, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the dividends or interest of the Bank Annuities to be purchased with such money, shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such possession was a wrongful possession, and that some other person

32.

In case of a doubt upon the title, the interest of the money paid into the Bank shall be paid to the person who was in possession of the premises when bought.

or persons was or were lawfully entitled to such tenements or hereditaments, or part or parts thereof, or to some estate or interest therein or charge thereon.

33.
Estate of
Mortgagees to
vest in Com-
missioners on
payment of
principal and
interest.

Or if such
principal and
interest ex-
ceed the
value of the
property then
on payment
of the value ;

and Mort-
gagors be
foreclosed.

And be it further Enacted, That if any person or persons shall have any mortgage or mortgages, or be entitled to any sum or sums of money due on judgment or other security, or otherwise charged on such lands, mills, tenements or hereditaments as shall be taken or purchased by virtue of this Act, or any parts or shares thereof by virtue of such mortgage or mortgages, or security or securities, then and in such case, on payment of the principal and interest due thereon to such mortgagee or mortgagees, or into the Bank for the use of the mortgagee or mortgagees, or person or persons entitled thereto, all the estate, right, title, interest, use, trust, property, claim and demand whatsoever of the said mortgagee or mortgagees, or other person or persons, and of all and every person or persons in trust for him, her or them, shall vest in the said Commissioner or Commissioners, and he and they shall be deemed to be in the actual possession of the premises comprised in such mortgage or mortgages to all intents and purposes whatsoever : Provided always, That if the money and interest due in respect of any mortgage or mortgages, security or securities, charge or charges of any lands, mills, tenements or hereditaments, or part or parts thereof, which shall be purchased or taken by virtue of this Act, shall amount to more than the value of the premises charged therewith, or such of them, or of such part or parts thereof as shall be purchased or taken by virtue of this Act, then upon payment to such mortgagee or mortgagees, or into the Bank in manner hereinbefore mentioned, of the sum to be ascertained as the value of the lands, mills, tenements or hereditaments, or part or parts thereof, so to be taken and purchased as aforesaid, all the estate, right, title, interest, property, claim and demand whatsoever of the said mortgagee or mortgagees, person or persons as aforesaid, and of all and every person or persons in trust for him, her or them, in the said lands, mills, tenements or hereditaments, or part or parts thereof, the value whereof shall have been so ascertained and paid as aforesaid, shall vest in the said Commissioner or Commissioners, and he and they shall be deemed to be in the actual possession of the said premises to all intents and purposes whatsoever ; and the mortgagor or mortgagors shall be and is and are hereby barred and foreclosed from all right and equity of redemption of and in the same premises, and all the estate, right, title, interest, property, claim and demand of him, her or them, and every person and persons in trust for him, her or them in the same premises, shall vest in the said Commissioner or Commissioners, and he and they shall be deemed to be in the actual possession thereof to all intents and purposes whatsoever.

And

And be it further Enacted, That all and every body and bodies, person and persons in the actual possession of any lands, mills, tenements or hereditaments, or any part thereof, to be taken or purchased by virtue of this Act, as owner, leaseholder, tenant at will or lessee
 5 for a year, or any shorter time, or otherwise, shall at the expiration of calendar Months from and after notice in writing from the said Commissioner or Commissioners shall have been left at the premises, or so soon after as he, she or they shall be required, peaceably and quietly deliver up the possession of the said premises to the
 10 said Commissioner or Commissioners, or the person or persons authorized by him or them to take possession thereof; and in case any such body or bodies, person or persons shall refuse to give up such possession as aforesaid, then it shall be lawful for the said Commissioner or Commissioners to issue their precept or precepts to the Sheriff of the
 15 county wherein such premises shall be situate, to deliver possession of the said premises to such person or persons as shall in such precept or precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such possession accordingly of the said premises, and to levy such costs as shall accrue from the issuing of such precept or precepts on the person or persons so refusing to give up such possession as aforesaid, by distress and sale of his, her or their goods.

34.
 Possession to
 be delivered
 upon
 Months'
 notice.

And be it further Enacted, That once at least in every year the said Commissioner or Commissioners for the purposes aforesaid shall and he and they is and are hereby required to make out and prepare a true
 25 and just account or statement of all sums of money by him or them received and expended, and such account or statement when so made, together with the vouchers relating thereto, shall be by him or them laid before the Proprietors of the Land so proposed to be improved, at some meeting to be held for the purpose of receiving and settling such
 30 account, (such meeting to be called in the manner hereinbefore directed with respect to the sittings of the said Commissioner or Commissioners) to be by them examined and balanced, and such balance, if then and there agreed upon between the said Commissioner and Commissioners, and the major part in value or extent of the said Proprietors, shall be stated in the book of accounts to be kept by the said
 35 Commissioner or Commissioners.

35.
 Commissioners to account
 yearly.

AND whereas disputes or doubts may arise concerning the Boundaries of parishes, properties and estates to be divided and inclosed, and of parishes, properties and estates adjoining thereto; BE it therefore Enacted, That the Commissioners appointed by this Act shall
 40 and they are hereby authorized and required by examination of witnesses upon oath or affirmation (which oath or affirmation any one of such Commissioners is hereby empowered to administer), and by such other legal ways and means as he or they shall think proper, to inquire into the Boundaries of such several parishes, properties and estates; and in case it shall appear to such Commissioners that the Boundaries

Commissioners shall inquire into the Boundaries of parishes and estates, and if not sufficiently ascertained, they shall fix them, giving previous notice of their intention so to do.

of the same respectively are not then sufficiently ascertained and distinguished, such Commissioners shall and they are hereby authorized and required to ascertain, set out, determine and fix the same respectively; and after the said Boundaries shall be so ascertained, set out, determined and fixed, the same shall and are hereby declared to be the Boundaries of such parishes, properties and estates: Provided always, That such Commissioners (before they proceed to ascertain and set out the Boundaries of such parishes, properties and estates) shall and they are hereby required to give public notice by writing under their hands, to be affixed on the most public doors of the Protestant Church or Chapel (if any), and also on the most public doors of the Roman Catholic Chapel (if any) in such parishes, and also by Advertisement in some one Newspaper usually circulated within the district of such parishes, properties and estates, and also by writing to be delivered to or left at the last or usual places of the abode of the respective owners or proprietors of any properties or estates in which the lands and grounds to be reclaimed or improved shall be situate, and of such adjoining properties or estates, *Ten Days* at least before the time of setting out such Boundaries, of their intention to ascertain, set out, determine and fix the same respectively; and such Commissioners shall within *One Month* after their ascertaining and setting out the same Boundaries, cause a description thereof in writing to be delivered to or left at the places of abode of the Clerk of the Peace of the county in which such lands and grounds shall be situate, and also of such respective owners or proprietors or their agents or stewards: Provided always, That if any person or persons interested in the determination of the said Commissioners respecting the said Boundaries shall be dissatisfied with such determination, such person or persons may appeal to the Assistant or Assistants acting in and for the county in which such lands or grounds shall be situate, at any General Quarter Session of the Peace to be holden within *Four* calendar Months next after the aforesaid publication of the said Boundaries, by delivering or leaving such description as aforesaid; the party or parties making such appeal giving *Eight Days'* notice of such appeal and of the matter thereof in writing to the Commissioners; and the decision of the said Assistant or Assistants therein shall be final and conclusive, and shall not be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Dublin or elsewhere.

Commissioners shall cause a description of Boundaries to be delivered to Assistant Barrister, &c. and owners or proprietors of lands to be inclosed, or their Agents or Stewards.

Persons dissatisfied may appeal to the Quarter Sessions.

Decision at the Sessions to be final.

37.
Commissioners to make Award.

And be it further Enacted, That within the space of calendar Months next after the improvements, embankments and drainage shall be finished, the Commissioner or Commissioners shall in every case form and draw up, or cause to be formed and drawn up, an Award or instrument in writing which shall express the quantity of acres, roods and perches in statute measure contained in the said lands so improved, embanked and drained, and the situations and descriptions of the same respectively,

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respectively, and the quantity and contents of each Owner's property therein; and such Award shall also apportion the amount of the sums which shall have been expended in and about the improvements which shall have been made, and of all expenses incident thereto upon the

5 Lands so improved, and upon the estates of which such Lands form part respectively, and shall also specify the amount of the contribution which the Owner or Owners of such Lands and Estates respectively shall pay towards the total amount so expended, and the sums specified in such Award, with interest at the rate of Pounds per

10 centum per annum, from the date of such Award, shall be and be considered as charges upon the Lands and Estates for or in respect of which such sums shall be directed or required to be paid; and the said Commissioner or Commissioners shall also cause to be inserted in every

15 such Award, proper orders and directions of and concerning the laying out, making, maintaining, cleansing and keeping in repair the watercourses, sluices, drains, ditches, cuts, tunnels, culverts, banks, bridges, outlets, weirs, engines, embankments, fences and other necessary works in, upon and over or through the Lands so improved, embanked and drained, and all such other rules, orders, agreements, regula-

20 tions, directions and determinations, as the said Commissioner or Commissioners shall think necessary and proper; and the said Commissioner or Commissioners shall also cause to be specified in every such Award the proportion or contribution to which the Lands so improved, embanked and drained, and the respective Owners thereof, shall in

25 future be subject and charged with towards the costs and expenses which may from time to time be incurred in or about the maintaining, cleansing and keeping in repair the said watercourses, sluices, drains, ditches, cuts, tunnels, culverts, banks, bridges, outlets, weirs, engines, embankments, fences and other works; and every such proportion or

30 contribution shall be stated and fixed as and at so many parts of an unit, and shall be charged and chargeable upon such Lands respectively as a rate or tax for keeping the same in a proper state and condition, and shall and may be levied upon or in respect of the same as often as any monies shall from time to time be expended in any such

35 works.

And be it further Enacted, That every Award shall within *Six* calendar Months next after the execution thereof be deposited with the Clerk of the Peace for the County wherein the Lands so improved shall be situate, who is hereby authorized and required to receive and deposit

40 the same amongst the records of such County, upon receiving a fee of *One Guinea* for so doing.

38.
Award to be deposited.

Provided always, and be it further Enacted, That if any Owner or Owners, whether absolute or partial, shall be dissatisfied with the Award of the said Commissioner or Commissioners, as to the apportionments which shall have been made, or any of them, it shall be lawful

39.
If any Owner be dissatisfied with Award, Jury to be summoned.

for such party or parties to signify his, her or their dissent in writing to the said Commissioner or Commissioners at any time within calendar Months next after the date of the Award; and the said Commissioner or Commissioners shall forthwith forward such dissent, together with a warrant containing an extract from their Award of such part thereof as relates to the apportionment or apportionments objected to, to the Sheriff of the County within which the Lands charged with such apportionment or apportionments shall be situate, and which warrant shall be a sufficient authority to such Sheriff to hold an inquisition in pursuance thereof; and such Sheriff shall and he is hereby authorized and required within *Twenty Days* next after the receipt of such warrant, to summon and impanel a Jury as in cases of inquisition, and such Jury shall consider and confirm or alter and amend the apportionment or apportionments objected to, and shall make such order as to the payment of the costs of such proceedings as they shall think fit; and such apportionment or apportionments, when so confirmed or altered and amended, and such order as to costs, shall be final and conclusive; and for the purposes of such inquisition the said Sheriff shall and he is hereby authorized and required to summon any witness or witnesses to attend such inquisition, and to administer the usual oaths to such Jury and witness or witnesses respectively; and every such inquisition shall be deemed and taken to be an inquisition in the County Court of such Sheriff; and such Sheriff shall have all the powers and authorities as to such inquisition as he by law possesses for any other inquiry in such County Court; and the finding of such Jury as to such inquisition shall be signed by such Sheriff, and shall be enrolled as of record in such County Court, and a copy thereof shall forthwith be certified under the hand and seal of such Sheriff, and transmitted by such Sheriff to the said Commissioner or Commissioners, by whom the warrant shall have been sent.

Powers of Sheriff.

40.
Apportioned expenses on Lands to have priority over other charges.

And be it further Enacted, That every such apportionment as shall be so made as aforesaid by the Award of the said Commissioner or Commissioners, or by the Jury as aforesaid, as the case may be, shall be and the same is hereby declared to be a charge on the respective Lands and Estates in respect of which such apportionment shall have been made in priority over all other interests and incumbrances in or upon such Lands and Estates.

41.
In case of non-payment of money so charged, it may be levied by distress.

And be it Enacted, That if default shall be made in the payment of the sum or sums charged on and made payable out of any such Lands and Estates by virtue of such Award, for the improvements which shall have been made as aforesaid, it shall and may be lawful for the Commissioner or Commissioners to enter into and upon such Lands and Estates, and to levy by distress and sale of any goods or chattels which may be found thereon, the sum or sums so due and in arrear, together with all

all costs and charges attending such distress and sale, rendering the
 overplus (if any) to the owner of such goods or chattels; and in case
 sufficient goods and chattels to satisfy such sum or sums so due, with
 the costs and charges aforesaid, cannot be found thereon, then and in
 5 such case it shall and may be lawful for the said Commissioner or
 Commissioners or any person or persons for that purpose authorized by
 him or them to enter upon the said Lands and Estates, and the rents
 and profits thereof to receive and take, until thereby or otherwise the
 sum so due, together with all costs and expenses attending or occasioned
 10 by such entry and receipt of the rents, profits and issues of such Lands
 and Estates shall be fully paid and satisfied.

If there is
 not goods or
 chattels suf-
 ficient, the
 Commission-
 ers may enter
 upon the
 Lands.

And be it Enacted, That in case any Lands or Estates in respect
 whereof any sum or sums so due shall remain unpaid as aforesaid,
 shall at any time be untenanted or unoccupied, so that sufficient distress
 15 cannot be found whereon to levy the same, and the said Commissioner
 or Commissioners shall not think proper to enter upon the same as
 aforesaid, then the said Lands and Estates shall remain liable thereto;
 and all goods and chattels which shall at any time thereafter be found
 thereon, shall and may be distrained and sold in manner aforesaid,
 20 until all arrears and the charges of such distress and detaining, keeping
 and selling the same shall be fully paid and satisfied.

42.
 If Lands are
 untenanted
 and Commis-
 sioners shall
 not choose to
 enter upon
 them, goods
 and chattels
 thereafter
 found shall be
 liable.

And be it further Enacted, That it shall and may be lawful to and
 for the Owners and Proprietors, and also to and for the Husbands or
 Guardians, Trustees or Committees or Attornies, or persons acting as
 25 Guardians, Trustees, Committees or Attornies for the said Owners and
 Proprietors of the Lands so improved, being under coverture, minors,
 lunatics, or beyond the seas, or otherwise incapable to act for them-
 selves, and to and for every of them for the time being, and for any of
 the said Owners or Proprietors being tenants in tail or for life only, and
 30 to and for every of them respectively for the time being, to raise and
 borrow the sum or sums charged upon their Lands and Estates respec-
 tively by the Award of the said Commissioner or Commissioners, or by
 a Jury as aforesaid, for the improvements which shall have been made
 as aforesaid, and for securing the repayment of all and every such sum
 35 and sums of money, with interest, to grant, mortgage, lease or demise,
 or otherwise subject the Lands and Estates belonging to them respec-
 tively unto such person or persons as shall advance and lend such sum or
 sums of money respectively for any term or number of years, so as every
 such grant, mortgage, lease or demise be made with a proviso or condition
 40 to cease and be void, or with an express trust to be surrendered when
 such sum or sums of money thereby to be secured, with the interest
 thereof, shall be fully paid and satisfied, and so as every such grant,
 mortgage, lease or demise do also contain a proviso that the person or

43.
 Power to
 borrow
 Money.

persons entitled in remainder or reversion to any such Lands shall not be liable, upon his, her or their becoming possessed thereof, to the payment of any future or larger arrear of interest than for *One Year* preceding the time that his, her or their title to such possession shall have commenced.

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44.
Tenants for
life, &c. pay-
ing expenses
to have
charges on
the inherit-
ance for the
amount.

And be it further Enacted, That it shall be lawful for any tenant or tenants in tail or for life or for any other partial interest of any of the said Lands and Estates, by any deed or deeds in writing, or his, her or their last will and testament duly executed according to law, to charge such Lands and Estates as shall not have been so mortgaged or charged with such sum or sums of money as shall be awarded by the Commissioner or Commissioners or Jury to be paid, and which shall have been accordingly paid by such respective tenant or tenants in tail or for life or for any other partial interest for his, her or their share or proportion of the costs, charges and expenses of the improvements which shall have been so made as aforesaid; which sum and sums of money so to be charged as aforesaid shall be payable within *One Year* next after the decease of every such tenant in tail or for life, with interest for the same after the rate of *Five Pounds* per centum per annum, to be computed from his, her or their respective deceases, unto such person or persons as such tenant or tenants in tail or for life or for any other partial interest, shall by such deed or will and testament respectively direct or appoint, and in default of such direction and appointment to his, her or their respective executors or administrators.

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45.
All charges
to be valid.

And be it further Enacted, That every such grant, mortgage, lease or demise, and every such charge as aforesaid to be made of or upon any of the said Lands and Estates under or by virtue of this Act, shall be good, valid and effectual in the law, notwithstanding the want of any title in the person or persons making the same, and notwithstanding any will, settlement, trust, use, remainder, limitation or other incumbrance of or concerning the said Lands and Estates or any part or parts thereof then in being or taking effect to the contrary.

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46.
Power to
Commis-
sioners to
borrow
money to be
afterwards
repaid with
interest.

And be it further Enacted, That it shall be lawful for the said Commissioner or Commissioners for the purposes aforesaid to borrow and take up at interest of any person or persons, party or parties willing to advance and lend the same, such sum or sums of money as shall from time to time be necessary for defraying the expenses of executing the works and purposes proposed to be made and effected until the same shall be raised by the ways and means hereinbefore directed; which sum or sums of money so to be borrowed shall be repaid with lawful interest to the person or persons, party or parties advancing the same out of the first monies to be raised under or by virtue of the Award of the said Commissioner or Commissioners.

35

40

And

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And be it further Enacted, That it shall and may be lawful for any Commissioner or Commissioners appointed for the purposes aforesaid to apply to the Commissioners appointed for carrying into execution the purposes of an Act of Parliament passed in the first and second years of the reign of His present Majesty, intituled, "An Act for Extension and Promotion of Public Works in Ireland," for the loan at interest of any sum or sums of money for defraying the expenses of any such improvements so proposed to be or in course of being made; and in every such case it shall be lawful for the said Commissioner or Commissioners appointed for effecting such improvements to assign, transfer and assure unto the Commissioners appointed for carrying the purposes of the said Act into execution the sums of money to be thereafter by the Award of such Commissioner or Commissioners for effecting such improvement charged upon and made payable out of the Lands so improved, and the estates of which such Lands form part respectively; and the sums which shall be so assigned, transferred or assured, or an equal portion thereof, shall from and after the execution of the Award be and become payable to the said Commissioners for carrying the purposes of the said Act into execution for and in satisfaction of the loan so made by them and the interest thereof.

47.
Power to
Commis-
sioners to
apply to the
Commis-
sioners ap-
pointed under
1 & 2 Will. 4.
c. for
loan.

And be it further Enacted, That it shall and may be lawful for the Commissioners appointed for carrying the purposes of the said recited Act into execution, to receive any such application which shall be so made to them, and if they shall think proper and the Lords Commissioners of His Majesty's Treasury shall consent thereto, to advance and lend the sum or sums so applied for at any rate of interest of not less than per centum per annum, upon such terms as the parties shall mutually agree upon, and the said Lords Commissioners shall approve of; any provision, clause, matter or thing whatsoever in the said recited Act to the contrary notwithstanding.

48.
Commis-
sioners of
1 & 2 Will. 4.
empowered
to advance
money.

And be it further Enacted, That it shall be lawful for the Commissioners appointed for carrying the purposes of the said recited Act into execution, after any such works and improvements as aforesaid shall have been completed, and the Award of the Commissioner or Commissioners for effecting the same shall have been made, to enter into any arrangement with any Owner or Proprietor, whether absolute or partial, for payment of any sum payable to the said Commissioners of the said recited Act and the interest thereof, by such yearly instalments as shall be mutually agreed upon; provided, that the times fixed for payment of the full amount of any such sum and the interest thereof shall not extend beyond a period of Years.

49.
Commis-
sioners of
1 & 2 Will. 4.
may allow
money to be
repaid by
instalments.

And be it Enacted, That wherever any Works or Improvements shall be carried into execution wholly or partly by means of money advanced

50.
Where Loan
made by
Commis-

sioners of
1 & 2 Will. 4.
Works to be
carried on
under their
control.

by the Commissioners appointed for carrying the purposes of the said recited Act into execution, then and in every such case all such Works and Improvements shall be carried on, and all payments made under the direction and subject to the control of the said Commissioners of the said recited Act.

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51.
Power to
Lord Lieu-
tenant to
issue Com-
missions.

And be it further Enacted, That for attaining of the purposes aforesaid it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to issue Commissions from time to time when and where need shall require, and when and as he or they shall think proper, and that the Commissioners appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, shall have all and the same powers and authorities as the Commissioners to be appointed as hereinbefore is mentioned by the Proprietors of the Lands to be improved and reclaimed.

15

52.
After receipt
of Award and
of report of
completion of
the works,
Chief or
Under Secre-
tary of Lord
Lieutenant to
summon a
Meeting of
Owners of
lands bene-
fited to elect
Trustees.

And be it further Enacted, That so soon as it may be convenient after the receipt of the said Award and the Report of the Engineer or Surveyor, certifying the completion of the Works authorized to be made by the said Commissioners under their said Commission, the Chief or Under Secretary to the Lord Lieutenant or other Chief Governor or Governors of Ireland shall summon a Meeting of all the persons who shall appear by the Award aforesaid to be owners of any lands, grounds or premises benefited or improved by such Works; and notice of such Meeting shall be given in some one Newspaper usually circulated within the district at least *Thirty* Days before the day appointed for any meeting; and the party seised of the first estate of inheritance in any lands, grounds or premises shall for the purpose of such meeting be deemed the owner thereof; and in default of the attendance of such person, then the actual occupier thereof shall be deemed and taken to be such owner, and vote thereat accordingly, and no two persons shall have a right to vote in respect of the same lands, grounds or premises; and the persons assembled at such Meeting shall in the first place elect a Chairman to preside at such Meeting, and shall next proceed to the election of Trustees for preserving, maintaining, repairing and keeping in repair such Works completed and executed by the said Commissioners and such Trustees shall be not fewer than *Three* or more than *Twelve* persons, and shall be either actually land-owners or persons entitled so to be deemed under the provisions aforesaid; and all persons who shall have been assessed for the expense of executing such works in the sum of *Ten* Pounds shall have one Vote at such Meeting, and all persons assessed in the sum of *Twenty* Pounds shall have two Votes, and so on in progression of one Vote for every complete sum of *Twenty* Pounds in which such land-owners may have been assessed, but so that no land-owner shall have more than *Six* Votes in the whole, what-

ever

ever be the sum in which he may have been assessed ; and in case of an equality of votes at such Meeting, the Chairman of such Meeting shall, besides any Vote or Votes to which he may be entitled as an assessed land-owner, also have a casting and decisive Vote ; and such Chairman
 5 shall certify under his hand and seal the names of the persons so elected such Trustees as aforesaid, and deliver such Certificate to the Clerk of the Peace of any county within which any of the Lands comprised within the limits of the jurisdiction of such Trustees may be, to be by him preserved among the records of the County ; and such Certificate
 10 shall be to all intents and purposes conclusive of the due election of the persons therein named.

And be it Enacted, That the said Trustees first appointed as aforesaid shall continue and remain in office and act as such for the term of
 15 *Three Years* from the date of their election, and no longer ; and at least *Ten Days* before the expiration of such term of *Three Years* the Trustees for the time being shall summon by public Advertisement, and otherwise as they shall think fit, a Meeting of all the Owners for the time being of all lands, grounds or premises benefited or improved by the
 20 works executed under the Commission aforesaid ; and the same regulations with respect to the right of persons to vote, and of the manner of voting thereat, shall apply and be observed at such Meeting as at the first Meeting for the election of Trustees ; and at such Meeting a like number of persons as were chosen at such first Meeting shall be chosen
 25 to act as Trustees for the next ensuing *Three Years*, in the room of such outgoing Trustees, and with the like powers and authorities ; and the election of such Trustees shall be certified in like manner as the election of the first Trustees elected under this Act ; and such Certificate shall be lodged in like manner, and be alike conclusive of the
 30 election therein certified to have been made, and so on for ever, a new election of Trustees being made and certified in like manner and form every *Three Years* : Provided always, That any outgoing Trustee may be re-elected, and shall in such case continue and remain in office, any thing herein contained to the contrary notwithstanding : And provided
 35 further, That if any Trustee shall before the expiration of the *Three Years* for which he may have been elected to act as a Trustee, resign or become disqualified to act as such, it shall and may be lawful for the remaining Trustees to elect some other land-owner qualified as aforesaid to be a Trustee in the place of the Trustee so dying, resigning or becoming
 40 disqualified as aforesaid ; and such Trustee so elected to fill such vacancy, shall remain and continue in office as such Trustee so long only as the Trustee in whose place or stead he may be elected would have been entitled to have continued and remained in office.

53.
 Trustees to remain in office for *Three Years* and to summon meeting of Land-owners to elect new Trustees every *Three Years*.

Trustee resigning, &c., a new one to be elected by Trustees out of the Land-owners.

And be it Enacted, That notice of all meetings to be held by the Trustees in pursuance of this Act (except where it shall be herein
 469. otherwise

54.
 Notice of Meetings of Trustees to be

given by
public adver-
tisement or
by personal
service.

Proceedings
at Meetings
of Trustees.

Revocation of
orders.

55.
Trustees to
order books
of accounts to
be kept.

otherwise directed) shall be inserted in some *One* Newspaper usually circulated within the district of the jurisdiction of such Trustees, at least *Thirty* Days before the day appointed for any meeting; or such notice thereof shall be delivered to the said Trustees personally, or left at their usual place or places of abode, or given and published in such other manner as the said Trustees at any previous meeting shall think fit to order and direct; and it shall be lawful for such Trustees to adjourn such meetings from time to time as may be convenient; and all orders and determinations of the Trustees in execution of this Act shall be made at meetings to be held pursuant to the provisions hereof, and not otherwise; and that no order or determination shall be made unless the major part of the Trustees present shall concur therein; and that all acts, orders and proceedings in execution of this Act, and all the powers and authorities vested in the said Trustees generally, shall and may be had, made, done and exercised by the major part of the Trustees who shall be present at the respective meetings to be held by virtue of this Act, the whole number present not being less than *Five*; and that all acts, orders or proceedings had, made or done by or before such *Five* Trustees shall have the same force and effect and be binding and conclusive on all persons and to all intents and purposes whatsoever as fully and effectually as if the same were had, made, done or executed by or before all the said Trustees; and that a Chairman shall and may in the first place be appointed at every meeting to be held by virtue and for the purposes of this Act, who in case of an equal number of votes (including the Chairman's vote) shall have the casting or decisive vote; and that no order or determination at any meeting of the said Trustees once made, agreed upon or entered into, shall be re okedor altered at any subsequent meeting, unless notice of the intention to make such revocation or alteration shall have been given by *Five* or more Trustees, by writing under their hands, to the Clerk to the said Trustees at a previous meeting, and entered in the book of proceedings of such meeting, and expressed in the notice convening such subsequent meeting, nor unless such revocation or alteration shall be agreed to be made by a greater number of Trustees than concurred in making of any such order and determination.

And be it Enacted, That the said Trustees shall and they are hereby required to order and direct a book or books to be provided and kept by their Clerk or Clerks for the time being, in which book or books shall be entered true and regular accounts of all sums of money received, paid, laid out and expended for and on account of any of the purposes of this Act, and of the several articles, matters and things for which any sums of money shall have been disbursed, laid out and paid, which book or books shall at all reasonable times be open to the inspection of the said Trustees; and the Trustees shall from time to time cause such accounts to be duly made up and balanced on the appointment

appointment of Trustees to succeed them pursuant to the provisions of this Act; and within *Seven Days* next after such appointment, deliver such accounts, and make payment of all monies arising by virtue of this Act and then in their hands, to the succeeding Trustees, to be by them
5 applied to the purposes of this Act.

And be it Enacted, That it shall and may be lawful to and for the said Trustees, by advertisement to be inserted in some newspaper printed or generally circulated within the district of the jurisdiction, to appoint a time and place to receive proposals from, and to enter into,
10 make and execute contracts for any term not exceeding the term for which such Trustees may remain in office, with any engineer, engineers or workmen or other person or persons not being a Trustee, or in any manner otherwise employed by the said Trustees for maintaining, preserving and repairing any of the works which they may be hereby re-
15 quired or authorized to maintain, preserve and repair, and for providing proper engines, utensils and materials for that purpose, and all other matters, articles and things concerning the same; and all such contracts so to be made shall be entered in a Book to be kept for that purpose, and signed by the party or parties making such contract, and
20 by the said Trustees, and shall be good, valid and effectual in law without any more formal or further deed or instrument whatsoever.

56.
Trustees may enter into contracts.

And be it further Enacted, That it shall be lawful for the said Trustees for the time being to perform and execute any works which shall or may be proper or necessary for maintaining, cleansing and keeping
25 in repair any watercourses, sluices, drains, ditches, cuts, tunnels, culverts, banks, bridges, outlets, weirs, engines, embankments or fences which shall have been made for improving any lands as aforesaid, or by means whereof any such lands shall be kept in proper condition, when and as often as any such works shall from time to time be necessary.

57.
Works to be sustained by the Board of Works.

And be it further Enacted, That when and so often as any such works shall from time to time have been performed and executed, the proportions or contributions towards the costs and expenses of the same, as settled by any such Award as hereinbefore mentioned, shall
35 become payable to the said Trustees as rates and taxes, and such proportions or contributions shall become vested in and recoverable by such Trustees.

58.
Expenses to be borne according to contributions received by Commissioners.

And be it Enacted, That if any person or persons shall refuse, omit or neglect to pay all or any part of the proportions or contributions
40 which he, she or they is and are hereby made liable to pay and discharge for the space of *Two* calendar Months, then and in every such case it shall and may be lawful to and for the said Trustees or any person appointed by them to enter into and upon all or any part of the

59.
Power of distress in case of non-payment.

Lands hereby charged as aforesaid, for which any such contribution shall be due and owing, and all messuages and tenements thereupon standing and thereunto belonging, with the appurtenances, and to levy the money due and owing or payable by such person or persons so refusing, omitting or neglecting to pay the same by distress of the cattle, corn, 5
hay, goods, chattels and effects which shall or may be found thereon, or of a sufficient part thereof, and the cattle, corn, hay, goods, chattels and effects which shall be so distrained to impound and keep on the premises, or to take, lead, drive, carry away and keep for the space of *Five Days*, at the costs and charges of the person or persons liable to 10
pay the said contributions, leaving at such messuage or tenement, lands, grounds or premises, or delivering to the occupiers or one of the occupiers of the same, notice in writing of such distress being made, and of the cause thereof, and of the place or places where such distress 15
is to be or is led, taken, driven away and impounded and kept; and in case the sum or sums of money for which any such distress shall be made, and all costs, charges and expenses attending such distress, shall not be paid and discharged to the person making such distress, within *Five Days* next after the making of such distress, and notice thereof given as aforesaid, then and in every such case the person or 20
persons so making such distress shall or may, with the Sheriff of the County or his deputy, or the Constable of the parish where such distress shall be made, who is and are hereby requested, upon being thereunto required, to assist therein, cause the cattle, corn, hay, goods, chattels and effects so distrained to be appraised by *Two* or more indifferent 25
persons to be sworn by such Sheriff, Under Sheriff or Constable (who is and are hereby empowered and required to administer the proper and necessary oath or oaths; and such *Two* persons are hereby required to appraise the same according to the best of their judgment; and after such appraisement it shall and may be lawful to and for the person or 30
persons making such distress, to sell or cause to be sold the cattle, corn, hay, goods, chattels and effects so distrained, for the best price that can be reasonably had or gotten for the same, for and towards satisfaction of the monies for which such distress and sale shall be so made, and the costs, charges and expenses of taking, keeping, apprais- 35
ing and selling the same, rendering the overplus of the monies arising from any such sale, (if any) on demand, to the person or persons entitled thereto.

60.
Lands to
remain liable
if no distress
found.

And be it further Enacted, That when and so often as it shall happen that the Lands for or in respect of which any such contribution as 40
aforesaid or any part thereof shall be due and unpaid, shall be unoccupied, or that no sufficient distress can be found thereon for levying the same, then and in every such case such Lands shall be and remain a security for the payment of all such contributions so due and unpaid; and all cattle, corn, hay, goods, chattels and effects which shall at any
time

time thereafter be found on such Lands shall and may be distrained, impounded, kept, appraised and sold in manner aforesaid, until all the contributions due and owing for or in respect of such Lands, and all costs, charges and expenses incident to every such distress and sale, shall be fully paid, satisfied and discharged.

And be it further Enacted, That where any distress shall be made by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties taking the same be deemed a trespasser or trespassers on account of any want of form in the warrant or warrants of distress or other proceedings relating thereto, but such warrant or warrants shall be good, valid and effectual to all intents and purposes whatsoever, if the parties issuing the same had power to issue a warrant or warrants for any part of the sum or sums stated therein; nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any irregularity which shall be afterwards committed by the party or parties distraining, but the person or persons aggrieved by such irregularity shall and may recover satisfaction for the special damage in an action on the case.

61.
Distress not
unlawful for
want of form.

AND to the end that the said contributions may be more easily and effectually collected and received; BE it Enacted, That all and every the tenants and occupiers of Lands which shall be charged by virtue of this Act, shall, and he, she and they is and are hereby authorized and required to pay all and every such contributions for the Lands in their respective occupations, and to deduct and retain out of his, her or their rent or rents all such sum or sums of money as they shall so respectively pay as aforesaid; and the several and respective landlords and owners of such Lands is and are hereby required to allow such deductions and payments upon receipt of the residue of his, her or their rent or rents; and every such tenant or occupier paying any such contributions shall be acquitted and discharged of as much money as such contributions so paid by him, her or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her or their Landlord or Landlords, (except where there is or may be any lease or agreement to the contrary).

62.
Tenants to
pay contribu-
tions and
deduct them
from their
rents.

Provided always, and be it Enacted and Declared, That nothing in this Act contained shall extend to charge any Lessor or Lessors with the payment of the contributions or any of them, contrary to any express stipulation made or contained in or by any lease or leases, agreement or agreements, in which it hath been agreed that any such contributions shall be paid by the Lessee or Lessees thereof; any thing herein contained to the contrary notwithstanding.

63.
Leases or
Agreements
not to be
affected.

64.

No action to be brought against persons acting in execution of this Act, until after notice has been given specifying the cause of action.

And be it Enacted, That no action, suit or information shall be brought, commenced or prosecuted by any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers or authorities herein contained, unless notice in writing of such action, suit or information, specifying the ground or cause thereof, 5 and signed by the Attorney of the Plaintiff or Plaintiffs, shall be given to the Commissioner or Commissioners, person or persons, against whom proceedings are intended to be commenced at least *Twenty-one* Days before such action, suit or information shall be commenced, nor 10 unless such action, suit or information shall be brought or commenced within *Six* calendar Months next after the fact committed, or in case there shall be a continuance of damages, then within *Six* calendar Months next after the doing or committing such damage shall have ceased, and not afterward, and shall be laid or brought in the county 15 where the matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants may at his or their election plead specially or plead the General Issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this Act, and it shall appear to be so 20 done; or if any action, suit or information shall be brought or commenced otherwise than is hereinbefore directed, then and in such case the Jury shall find for the Defendant or Defendants, and upon such verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or suffer a discontinuance of his, her or their action or actions, suits or informations after the Defendant or Defendants shall have appeared thereto, 25 or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon demurrer or otherwise judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have *treble* Costs, and shall have such remedy for the recovery of the same as any other Defendant or Defendants hath or have in other cases at law. 30

If Verdict for Defendants, or Plaintiffs non-suited or discontinue action, Defendants to have treble costs.

65.

No action to be brought after tender of sufficient amends.

And be it Enacted, That no Plaintiff or Plaintiffs shall recover in any action to be brought against any Commissioner or Commissioners, person or persons, for any thing done by him or them respectively in execution of the powers vested in them under or by virtue of this Act, as the case may be, if tender of sufficient amends shall be made by or on behalf of 35 the said Commissioner or Commissioners, person or persons before such action brought; and in case no tender shall have been made, it shall be lawful for the Defendant or Defendants in any action, by leave of the Court in which such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall think fit, 40 whereupon such proceedings, order and adjudication shall be had and given in and by such Court as in actions where the Defendant is allowed pay money into Court.

If no tender made, money may be paid into Court by leave before issue joined.

66.

Penalty on Witnesses refusing to

And be it Enacted, That if any person or persons who shall be summoned as a witness or witnesses to attend and give evidence before any Justice

527

Justice or Justices of the Peace, touching any matter contained in any information or complaint, for any offence committed against this Act, either on behalf of the Prosecutor or on behalf of the person or persons accused, shall refuse or neglect to appear at the time and place to be
 5 for that purpose appointed, having been paid or tendered a reasonable sum for his, her or their loss of time, costs and charges, without a reasonable excuse for his, her or their refusal or neglect, or appearing shall refuse to be examined on oath (or in case of a Quaker or Quakers on solemn affirmation) and to give evidence before any Justice or Justices,
 10 then and in either of the said cases every such person shall forfeit and pay for every such offence any sum not exceeding *Five Pounds*, to be recovered in like manner as any penalty imposed by this Act may be recovered.

appear or refusing to give evidence.

And be it Enacted, That all penalties, forfeitures and fines hereby
 15 inflicted or authorized to be imposed, and the manner of levying and recovery whereof is not herein otherwise directed, shall upon proof of the offences respectively before any one of His Majesty's Justices of the Peace for the county within which such offence shall have been committed, either by the confession of the party or parties offending, or by
 20 the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered to administer) be levied by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such Justice, which warrant such Justice is hereby empowered to grant for such purpose, and the overplus (if any)
 25 after such penalties, forfeitures and fines, and charges of such distress and sale are recovered and deducted, shall be returned upon demand unto the owner or owners of such goods and chattels, and the penalties, forfeitures and fines shall be from time to time paid to the said Commissioner or Commissioners for the purposes aforesaid, and applied by him or them
 30 to the purposes for effecting which he or they shall be appointed; and in case sufficient distress shall not be found, and such penalties, forfeitures and fines shall not be forthwith paid upon conviction, then it shall be lawful for such Justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently
 35 made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Justice for his, her or their appearance before such Justice on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than *Seven Days* from the time of taking any such security, and
 40 which security the said Justice is hereby empowered to take by way of recognizance or otherwise; but if upon return of such warrant it shall appear that no sufficient distress can be had whereupon to levy the said penalty or penalties and such costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the said Justice, either by the confession of the offender or offenders or otherwise, that he, she or they hath or have not sufficient goods and chattels

67.

Recovery of Penalties and Forfeitures.

whereupon such penalties, forfeitures and fines can be levied, if a warrant of distress were issued, such Justice shall not be required to issue such warrant of distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required by warrant or warrants under his hand and seal, to cause such offender or offenders to be committed to the common gaol or house of correction of such county, there to remain without bail or mainprize for any time not exceeding *Three* calendar Months, unless such penalties, forfeitures or fines and all reasonable charges shall be sooner paid or satisfied.

5

Waste Lands (Ireland.)

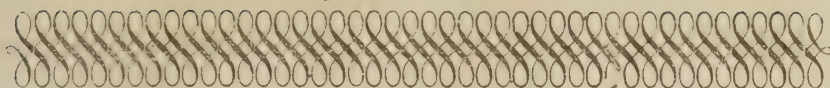
A

B I L L

To promote the Reclamation and Improvement
of Uncultivated Lands in Ireland.

(Prepared and brought in by
Mr. Lynch, Mr. Wyse and
Mr. Morgan John O'Connell.)

Ordered, by The House of Commons, to be Printed,
21 July 1836.



A

B I L L

To continue an Act of the Tenth Year of his late Majesty, for providing for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Australia.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the tenth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to provide, until the Thirty-first day of December One thousand eight hundred and Thirty-four, for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland:" And whereas by an Act passed in the fifth and sixth years of His present Majesty's reign, the said Act was continued until the Thirty-first day of December One thousand eight hundred and Thirty-six, and until the End of the then next Session of Parliament; and it is expedient that the said Act should be further continued; ~~BE it therefore Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** the said Act so passed as aforesaid in the tenth year of his said late Majesty's reign, shall be and the same is hereby further continued, and shall remain in force until the *Thirty-first day of December One thousand eight hundred and Thirty-eight*, and thenceforward until the *End* of the then next Session of Parliament.

Preamble:
10 Geo. 4.
cap. 22.

5 & 6 Will. 4.
cap. 14.

Recited Act
continued.

Western Australia.

A

B I L L

To continue an Act of the Tenth Year of his late Majesty, for providing for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Australia.

(Prepared and brought in by
Sir George Grey and Mr. Attorney General.)

(Ordered, by The House of Commons, to be Printed,
19 July 1836.

25 March 1836.—6 WILL. IV.



A

B I L L,

INTITULED,

AN ACT to make Provision for the better
Administration of Justice in certain of His
Majesty's *West India Colonies*.

Note.—The Figures in the Margin denote the Number of Presses in
the Ingrossment.

1 **W**HEREAS certain Acts or Statutes have heretofore been Preamble.
passed and enacted by the Legislative Councils and
General Assemblies of His Majesty's Islands of *Barbadoes, Saint
Vincent, Grenada, Tobago, Antigua, Montserrat, Saint Christopher,
Nevis, Dominica* and the *Virgin Islands*, in the *West Indies*, for
erecting therein certain Superior Courts of Justice; and by such
Acts of Assembly, or some of them, the said Courts are invested
with an exclusive jurisdiction over all Persons within the said Islands
respectively, and in all causes, civil and criminal, arising within the
same; and such Acts having been assented to, in the name and on
the behalf of His Majesty's Royal Predecessors, by the Governors,
or by the Officers administering the Governments of the said Islands,
were subsequently allowed and confirmed by His Majesty's said
Royal Predecessors, with the Advice of their Privy Council:

And whereas it is expedient to make provision for the better
Administration of Justice throughout the several Islands aforesaid,
and for that purpose to erect Two Courts of Judicature within the
same, and to commit to such Courts a superior and exclusive civil
and criminal jurisdiction, to be exercised by them throughout several
of such Islands, constituting distinct and separate Governments, and
possessing distinct and separate General Assemblies:

And whereas, by reason of such Acts of Assembly as aforesaid, ² and by reason of the separation of the Governments of the said several Islands, and of the General Assemblies thereof, such Courts of Judicature cannot be erected without having recourse to the assistance and Authority of Parliament;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for His Majesty, and He is hereby authorized, by Charters or Letters Patent under the Great Seal of this United Kingdom, to erect, constitute and establish Two such Superior Courts of Judicature, having such exclusive jurisdiction as hereinafter mentioned, within His Majesty's Islands aforesaid, in the *West Indies*; and which Charters or Letters Patent shall be promulgated in the several Islands aforesaid, by Proclamations to be therein respectively made, in the name and on the behalf of His Majesty, by the respective Governors or Officers administering the Government thereof respectively.

1.
His Majesty
may erect
Two Superior
Courts.

2.
The Islands
to be divided
into two
Judicial Dis-
tricts.

And be it further Enacted, by the authority aforesaid, That for the purposes of this present Act, His Majesty's said Islands or Governments of *Barbadoes, Saint Vincent, Grenada, Tobago, Antigua, Montserrat, Saint Christopher, Nevis, Dominica* and the *Virgin Islands*, shall be divided into two separate and distinct ³ Judicial Districts; one of which Districts shall comprise the said Islands of *Barbadoes, Saint Vincent, Grenada and Tobago*, with their several dependencies; and the other of which Districts shall comprise the said Islands of *Antigua, Montserrat, Saint Christopher, Nevis, Dominica* and the *Virgin Islands*, with their several dependencies.

3.
His Majesty
may erect a
Superior
Court in each
of such Dis-
tricts.

And be it further Enacted, That it shall be lawful for His Majesty, by such Charters and Letters Patent as aforesaid, to erect and establish within the said first-mentioned district One Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Windward *Caribbee Islands*," and to erect and establish within the said last-mentioned district One other Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Leeward *Caribbee Islands*."

4.
Of what
Judges the
Courts are to
be composed.

And be it further Enacted, That each of the said Courts shall consist of and be holden in each of the said respective Islands or Governments by a Chief Justice and a Senior Puisne Justice, and by a resident Puisne Justice; which said Chief Justices and Senior Puisne Justices shall act in and for each and all of the Islands and Governments comprised in their respective Districts; but which said
resident

resident Puisne Justices shall severally act in and for the several and respective Islands or Governments within which they shall be respectively resident, and in no other parts of the said respective Districts.

- 4 And be it further Enacted, That the said Chief Justice and Senior Puisne Justice shall be Barristers-at-Law, admitted to practise as such in His Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer at *Westminster* or *Dublin*, or Advocates in the Court of Session in *Scotland*, and shall have been admitted as such, the said Chief Justice for Seven Years at the least, and the said Senior Puisne Justice for Five Years at the least, previously to such their appointments; and that the said resident Puisne Justices shall at the time of such their appointments be either such *English* or *Irish* Barristers, or such Advocates in *Scotland* as aforesaid, of not less than Five Years' standing, or shall at the time of such their appointments have been admitted for at least the term of Five Years to practise at the bar in some or one of His Majesty's Colonial Possessions, or shall have acted as Judges of some or one of the Supreme Courts of Judicature of some or one of such Colonial Possessions; and the said Justices of the said Supreme Courts shall from time to time be appointed to such their offices by His Majesty, by Warrants under His Signet and Sign Manual, and shall hold such their offices during His Majesty's pleasure, and the ministerial and other officers of the said Court respectively shall be appointed to and removed from their respective offices in such manner as His Majesty shall by such Charters or Letters Patent as aforesaid direct.

5.
Qualifica-
tions of the
Judges.

Judges, how
appointed,
and how to
hold their
Offices.

- 5 Provided always, and be it further Enacted, That in case of the death or resignation of any of the said Justices, or in case of any such sickness or infirmity as shall render any such Justice incapable of performing the duties of his office, or in case of the absence of any such Justice from the District to which the jurisdiction of the Supreme Court to which he may belong shall extend, it shall be lawful for the Governor or the Officer administering the government of *Barbadoes* within the District of the said Supreme Court of His Majesty's Windward *Caribbee Islands*, and for the Governor or the Officer administering the government of *Antigua* within the District of the Supreme Court of His Majesty's Leeward *Caribbee Islands*, respectively to appoint some fit and proper person to act in the place and stead of any Justice so dying, resigning, becoming incapable, or being absent, until a successor shall be appointed by His Majesty, or until any such Justice shall return to the execution of his office; and in the meantime, until a successor shall be so appointed, or until such Justice shall return as aforesaid, and shall enter upon or resume the discharge of his office in the said Courts respectively, the

6.
Provision for
the appoint-
ment of
Judges pro-
visionally.

person so to be appointed by such Governor or Officer administering the government shall have and exercise all the jurisdiction, powers and authorities hereby or by the said Charters or Letters Patent granted to or vested in the Justices of the said Courts respectively.

7.
The jurisdiction of the Courts.

And be it further Enacted, That the said Supreme Courts respectively shall be Courts of Record, and shall within the said Islands or Governments comprised within their jurisdiction respectively, 6 and within all and every the islands and territories which now are or hereafter may be dependent upon the respective governments thereof, have cognizance of all pleas, civil or criminal, and jurisdiction in all cases whatsoever, as fully and amply to all intents and purposes as His Majesty's Courts of King's Bench, Common Pleas and Exchequer at *Westminster*, or either of them, lawfully have or exercise, and the said Courts respectively shall also at all times be Courts of Oyer and Terminer and General Gaol Delivery in and for the said islands and territories, and the dependencies thereof respectively; and the said Justices so to be appointed shall have and exercise such and the same jurisdiction and authority in the said islands and territories and the dependencies thereof respectively as the Judges of the Courts of King's Bench, Common Pleas and Exchequer in *England*, or any of them, lawfully have and exercise, and as shall be necessary for carrying into effect the several jurisdictions, powers and authorities committed to the said Courts respectively.

8.
The Courts are to be held annually.

And be it further Enacted, That the said Supreme Court of His Majesty's Windward *Caribbee Islands* shall be holden Twice at the least in each Year in the Islands of *Barbadoes*, *Saint Vincent*, *Grenada* and *Tobago* respectively; and that the said Supreme Court of 7 His Majesty's Leeward *Caribbee Islands* shall be holden Twice at the least in each Year in the Islands of *Antigua*, *Montserrat*, *Saint Christopher's*, *Nevis*, *Dominica* and *Tortola* respectively.

9.
Two Terms to be annually held in each Island.

And be it further Enacted, That for the exercise of the legal jurisdiction vested in the said Supreme Courts, Two Terms at the least thereof respectively shall be holden in each Year within each of the several Islands aforesaid, and that in all sittings of the said Supreme Courts in Banco, the judgments, orders and acts of the majority of the said Justices shall be deemed and taken to be the judgments, orders and acts of the said Supreme Courts, and shall have force and validity and be executed accordingly.

10.
Actions to be tried by a single

And be it further Enacted, That in any actions at law to be brought in the said Supreme Court of His Majesty's Windward *Caribbee Islands* and

and of His Majesty's Leeward *Caribbee Islands* respectively, when the parties, Plaintiff and Defendant, in any such action shall join issue on any matter of fact, the trial of such issue or issues shall and may be by One or more of the Justices of the said Courts respectively, and by a Jury of Twelve men, according to the course of the common law of *England*; and that on the trial of any person or persons upon any indictment or information before the said Courts, or either of them, such trial shall and may be had by any One or
8 more Justice or Justices of the said Courts, and a Jury of Twelve men, according to the course of the law of *England*.

Judge, with
a Jury of
Twelve Men.

And be it further Enacted, That in each of the Islands or Governments aforesaid, the resident Puisne Justice of the said Supreme Courts shall, within the Islands or Governments respectively in which they shall be so resident, and the dependencies thereof, have and exercise all such powers, authorities and jurisdiction as by the law of *England* are or is vested in or can be exercised by any single Justice of His Majesty's Courts of King's Bench or Common Pleas at *Westminster*, or by any single Baron of His Majesty's Court of Exchequer, sitting apart from the other Judges of the same Courts, and more especially all powers, authorities and jurisdiction which may be exercised by any One of the Judges of the Court of King's Bench at *Westminster* for taking and justifying special bail in causes depending in the same Court; and it shall and may be lawful for such resident Puisne Justice in the interval between any Two successive terms of the said Supreme Courts to hold one or more special sittings thereof for the purpose of entering actions, or of confessing judgments, or of making any such Rules or Orders of Court as may be necessary for making up the records of the said Court,
9 until issue shall be thereupon joined upon any matter of law or of fact, which issues shall nevertheless be adjudged or tried during such terms as aforesaid, and not at any other time; and all Rules, Orders and Judgments so to be made or entered up at any such special sitting as aforesaid shall be taken to be as of the term immediately preceding, or of the term immediately succeeding the date thereof, as such resident Puisne Justice shall in each case direct.

11.
Resident
Puisne Judge
may do all
acts which a
single Judge
may do in
England.

And be it further Enacted, That for reversing any judgment of the said Supreme Courts, or either of them, for any error of law, it shall be lawful for the parties, either Plaintiff or Defendant, to appeal to His Majesty in Council upon and subject to such terms and conditions as His Majesty by such Charters or Letters Patent as aforesaid shall be pleased to direct.

12.
Appeals to
The King in
Council.

And be it further Enacted, That the said Supreme Courts of His Majesty's Windward *Caribbee Islands* and of His Majesty's Leeward *Caribbee Islands* respectively, shall and may inquire of,

13.
Jurisdiction
in cases of
Offences
committed on
the Sea.

hear and determine all Treasons, Piracies, Robberies, Murders, Conspiracies and other offences, of what nature or kind soever, committed or that shall be committed upon the sea, or any haven, river, creek or place where the admiral or admirals have authority, power or jurisdiction, according to the common course of the laws of the realm of *England*, and used for offences committed upon the land within the realm of *England*, and not otherwise; and that all persons convicted of the offences so to be inquired of, heard and determined in the said Courts respectively, shall be subject and liable to and shall suffer all such and the same pains, penalties and forfeitures as by any law or laws now in force persons convicted of the same respectively would be subject and liable to in case the same were respectively inquired of, tried, heard, determined and adjudged in *England*, any law, statute or usage to the contrary notwithstanding. 10

14.
Courts to have
an equitable
Jurisdiction.

And be it further Enacted, That the said Supreme Courts respectively shall be Courts of Equity within the limits of the jurisdiction thereof, and shall have power and authority to administer justice, and to do, exercise and perform all such acts, matters and things necessary for the due execution of such equitable jurisdiction as the Lord High Chancellor of *Great Britain* can or lawfully may do, exercise or perform within the realm of *England*: Provided nevertheless, and it is hereby further Enacted, That the Chief Justice for the time being of each of the said Supreme Courts respectively shall have power to hear and determine all causes, matters and things which shall be at any time depending in the said Courts respectively as Courts of Equity; and that if any such Chief Justice shall, by sickness or other unavoidable cause, be prevented from sitting for the purposes aforesaid, then it shall and may be lawful for the Puisne Justice, or the resident Puisne Justice of such Courts respectively to 11
hear and determine such causes, matters and things; and that the decrees, orders and acts of the said Chief Justice, or in case of his being prevented as aforesaid, then of such Puisne Justice or resident Puisne Justice as aforesaid, shall be deemed and taken to be respectively the decrees, orders and acts of the said Supreme Court in such their equitable jurisdiction, and shall have force and validity to be executed accordingly.

15.
Equitable
Jurisdiction of
the resident
Judge during
the non-
session of the
Court.

And be it further Enacted, That during the non-session of the said Supreme Courts respectively in any of the Islands or Governments aforesaid, it shall be lawful for the resident Puisne Justice for such Island or Government to hear and determine all applications which shall be made to the said Supreme Courts respectively as Courts of Equity for any decree to which all the parties, Plaintiff and Defendant, shall be consenting, or for any interlocutory order in any cause there depending, which orders shall nevertheless be subject

subject to the review of the full Court in such manner, and upon, under and subject to such conditions, as His Majesty by such Letters Patent or Charters as aforesaid shall direct and appoint.

12 And be it further Enacted, That the said Supreme Courts respectively shall have power to grant Probates under the seal of the said Courts of the last wills and testaments of all or any inhabitants of the said Islands or Governments respectively, and of all other persons who shall die and leave personal effects within the same, and shall also have power to grant Letters of Administration of the goods, chattels, credits and all other effects whatsoever of the persons aforesaid who shall die intestate, or who shall not have named an executor resident within such Islands or Governments respectively, or where the executor, being duly cited, shall not appear and sue forth such probate, annexing the said will to letters of administration when any such persons shall have left a will without naming any executor who shall be then alive and resident within the Islands or Governments aforesaid, and who, being cited thereunto, shall not appear and sue forth a probate thereof, and to sequester the goods and chattels, credits and other effects whatsoever of such persons so dying, in cases allowed by law, as the same is and may now be used in the diocese of *London*, and to demand, require, take, hear, examine and allow, and, if occasion require, to disallow or reject the accounts of such executors or administrators, in such manner and form as may be used in the said diocese of *London*, and to do all other things whatsoever necessary in that behalf: Provided always, That in the
13 interval between any two successive terms of the said Supreme Courts, it shall be lawful for such resident Puisne Justices as aforesaid in the Islands in which they shall be so respectively resident, to do all and every the judicial acts, and to exercise the ecclesiastical jurisdiction aforesaid, in all cases in which there shall be no caveat entered or opposition made.

16.
Courts to
have Eccle-
siastical Ju-
risdiction.

And be it further Enacted, That it shall be lawful for either of the parties, Plaintiff or Defendant, to appeal to His Majesty in Council against any decree, order or sentence made or pronounced by either of the said Supreme Courts in the exercise of such equitable or ecclesiastical jurisdiction as aforesaid, in such manner and upon and subject to such terms and conditions, as His Majesty by such Charters or Letters Patent as aforesaid shall please to direct.

17.
Appeal to
The King in
Council.

And be it further Enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers or authorities which now is or are vested in any Courts of General Quarter Sessions holden in and for the several

18.
Courts of
Quarter Ses-
sions to be
held.

Islands and Governments aforesaid, and their dependencies, or to prevent the erection by law in any of the said Islands and Governments of Courts of General Quarter Sessions, with power and authority to take cognizance of all matters and things cognizable in all Courts of Quarter Sessions of the Peace in *England*, as far as the circumstances and condition of the Governments of the said Islands respectively shall require or admit: Provided nevertheless, That in all such Courts of Quarter Sessions, whether established or to be established in the said respective Islands or Governments, the said resident Puisne Justice for such Island or Government shall in virtue of such his office preside as Chairman. 14

19.
The Jurisdiction of Justices of the Peace not to be infringed.

Provided always, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers or authorities which now is or are, by any Law in force within the said Islands or Governments, vested in any Justices of the Peace, whether acting separately or collectively.

20.
Jurisdiction of Courts for Recovery of small Debts.

Provided always, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers or authorities which now is or are, by any law in force in the said Islands or Governments, vested in any Court or Courts for the recovery of small debts or demands not exceeding the sum of Twenty Pounds sterling in amount or value, or to prevent the establishment by law therein of any such Court or Courts; provided that in all such Courts, whether established or to be established in the said respective Islands or Governments, the said resident Puisne Justice for such Island or Government shall, in virtue of such his office, preside and act as Judge.

21.
The Act not to repeal existing Laws or Usages.

Provided always, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to repeal, annul, alter or affect any Acts, Statutes, Laws or lawful customs or usages in force within the said Islands or Governments, or any of them, or directly or indirectly to introduce or establish within such Islands or Governments, or any of them, any Acts, Statutes, Laws or customs not now in force within the same, or to alter the rules of practice or methods of proceeding in administering justice within such Islands, or any of them, save and except only so far as relates to the Courts in which and the Judges by whom justice is administered within the said Islands and Governments; but that in all other respects the Acts, Statutes, Laws and lawful customs heretofore established and in force within the said Islands and Governments, and such rules of practice and methods of proceeding shall continue to be in force and to be established within the same as fully and 15

and effectually, to all intents and purposes, as if this present Act had not been made, any thing hereinbefore contained to the contrary notwithstanding.

AND whereas it may be expedient that the Islands of *Trinidad* and *Saint Lucia* should be comprised within the jurisdiction of the said Supreme Courts, or one of them, and that for that purpose the districts aforesaid, or one of them, should be enlarged; BE it further Enacted, That it shall be lawful for His Majesty, if it shall appear to His Majesty in Council expedient, but not otherwise, by any order or orders to be by him made, with the advice of His Privy Council, to include within the jurisdiction of the said Supreme Courts, or of either of them, the said Islands of *Trinidad* and *Saint Lucia*, or either of them, and for that purpose to enlarge the said districts, or either of them, and by any such order or orders in Council to make all such regulations as to His Majesty in Council shall seem meet, for the adaptation to the laws in force in the said Islands respectively of the jurisdiction of the said Supreme Courts respectively, or either of them.

22.
The Islands of *Trinidad* and *St. Lucia* may be comprised within the Jurisdiction of the Supreme Courts, if deemed expedient.

Provided nevertheless, and be it further Enacted, by the authority aforesaid, That this present Act shall not come into operation, and shall not be binding or in force upon His Majesty's subjects or other persons residing and being within the said Islands and Governments, and that such Letters Patent or Charters as aforesaid shall not be made or issued, unless the Legislative Councils and General Assemblies of the said several Islands or Governments shall, by some Acts of Assembly to be by them for that purpose first made and enacted, have provided that all and every the Acts, Laws, Statutes, Customs and Usages in force within the said Islands and Governments, in so far as the same might or could in anywise obstruct or interfere with the operation within such Islands or Governments of this present Act, and of the said Charters or Letters Patent, shall be absolutely repealed or annulled, nor unless such repeal shall be made to take effect immediately upon the promulgation of such Charters or Letters Patent within the said Islands or Governments, nor unless such Acts of Assembly shall be assented to in the name and on the behalf of His Majesty by the Governors, or the Officers administering the Government of the said Islands or Governments, and shall be confirmed and allowed by His Majesty, with the advice of His Privy Council.

23.
The Act not to take effect until Acts of Assembly shall have been passed repealing all existing Laws which could interfere with the operation of it.

AND for the prevention of all doubt whether the conditions have or have not been complied with, and whether this Act hath or hath not come into operation; BE it further Enacted, by the authority aforesaid, That it shall and may be lawful for His Majesty, by an

24.
His Majesty to ascertain by Order in Council that the before-mentioned condition has been complied with.

Order to be by him made, with the advice of His Privy Council, to declare that the before-mentioned conditions have been complied with by the several Legislative Councils and General Assemblies of the said Islands or Governments; and when and so soon as any such Order in Council shall be published in the *London Gazette*, and such Letters Patent or Charters as aforesaid shall in manner hereinbefore mentioned have been promulgated within the said Islands and Governments, and not before, this present Act, and every clause, matter and thing herein contained, shall come and be deemed and taken to have come into operation within the said Islands or Governments, and be binding upon all His Majesty's subjects and other persons residing and being within the same: Provided always, That such Order in Council shall be laid before both Houses of Parliament within Six Weeks from its date, if Parliament shall be then in Session; and if not, then within Six Weeks from the commencement of the then next ensuing Session of Parliament. 18

West India Judicature.

A

B I L L,

INTITLED,

AN ACT to make Provision for the better
Administration of Justice in certain of His
Majesty's *West India Colonies.*

*Ordered, by The House of Commons, to be Printed,
25 March 1836.*

8 August 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

To amend an Act passed in the First and Second Years of His present Majesty's Reign, intituled, "An Act for the Extension and Promotion of Public Works in Ireland."

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by an Act passed in the first and second Preamble.
 years of His present Majesty's reign, intituled, "An
 Act for the Extension and Promotion of Public Works in Ireland," the
 Commissioners of His Majesty's Treasury are authorized and empow-
 5 ered to cause or direct to be made out from time to time, as might be
 necessary for the purposes of the said Act, any number of Exchequer
 Bills, the amount whereof at any time outstanding should not exceed in
 the whole the sum of Five hundred thousand Pounds : And whereas
 Exchequer Bills to an amount little short of the said sum of Five hun-
 10 dred thousand Pounds have been issued and applied to the purposes of
 the said Act: And whereas by an Act passed in the third and fourth years
 of His Majesty's reign, intituled, "An Act for the Relief of the Owners
 of Tithes in Ireland ; and for the Amendment of an Act passed in the
 last Session of Parliament, intituled, 'An Act to amend three Acts,
 15 passed respectively in the fourth, fifth, and in the seventh and eighth
 years of the reign of his late Majesty King GEORGE the Fourth, pro-
 viding for the establishing of Compositions for Tithes in Ireland, and
 to make such Compositions permanent,' " the said Commissioners of
 the Treasury were authorized and empowered to cause or direct other
 20 Exchequer Bills to be made out for any sum or sums of money not
 exceeding in the whole the sum of One million Pounds, to be applied to
 the relief of the Owners of Tithes in Ireland, in manner by the said last
 recited Act directed : And whereas the sum of

Pounds, part of the said sum of One million Pounds,
 has been applied pursuant to the said last recited Act to the purposes

thereof: And whereas, over and above the sum required for the purposes of the said last recited Act, Exchequer Bills to the amount hereinafter mentioned, or thereabouts, were made out pursuant to the provisions of the said last recited Act, and delivered to the Teller of His Majesty's Exchequer in Ireland, in whose custody the same now remain; and it is expedient that such Exchequer Bills, to an amount not exceeding *One hundred thousand* Pounds, should, the same not being required for the purposes of the said last recited Act, be applied to the purposes of the said first recited Act;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT over and above and in addition to the sum of Five hundred thousand Pounds, to which the outstanding loans or advances to be made by the Commissioners for the execution of the said recited Act for the extension and promotion of Public Works in Ireland were by such Act limited, it shall and may be lawful for the said Commissioners to make further loans or advances to an amount not exceeding in the whole *One hundred thousand* Pounds; and for the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland to authorize and direct the Teller of His Majesty's Exchequer in Ireland to issue and deliver, upon the warrant in writing of the Commissioners for the execution of the said Act, to the person or persons in such warrant named, such of the Exchequer Bills made out in pursuance of the said recited Act of the third and fourth years of His Majesty's reign, for the relief of the Owners of Tithes, as may now be in the possession of the said Teller of the Exchequer to an amount not exceeding *One hundred thousand* Pounds, and such Exchequer Bills shall and may be applied accordingly to the purposes of the said Act for the extension and promotion of Public Works, and of this Act, as if made and issued for such purposes and under the provisions of that Act.

1.
In addition to 500,000*l.* of Exchequer Bills applicable to purposes of Public Works Act, 100,000*l.* of the Exchequer Bills made out under 3 & 4 Will. 4. c. 100. may be so applied.

2.
Provisions of 1 & 2 Will. 4. c. 33. extended to Loans under this Act.

And be it Enacted, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures and disabilities contained in the said recited Act for the extension and promotion of Public Works, in respect of the loans or advances to be made under authority of that Act, and in respect of the Exchequer Bills to be issued for the purposes of such Act shall, so far as the same are applicable, or shall not be varied by this Act be applied and extend to the loans and advances to be made under this Act, and to the Exchequer Bills to be issued and applied as hereinbefore directed to the purposes of the said Act and this Act, as fully and effectually to all intents and purposes as if the said several clauses and provisoes were herein repeated and re-enacted and made specially applicable thereto.

And

And be it Enacted, That it shall and may be lawful for the said Commissioners for the execution of the said Act for the extension and promotion of Public Works in Ireland, to make any loan or advance, upon application duly made conformably to the provisions of the said Act and this Act, and which may be approved of by the said Commissioners and by the Lords Commissioners of the Treasury, at such rate of interest, payable half-yearly, not less than *Ten* Shillings per centum per annum, above the rate of interest on the Exchequer Bills which may be issued for the purpose of providing for such loan or advance, as the said Lords Commissioners of the Treasury shall direct, any thing in the said recited Act requiring a different or higher rate of interest on any loan or advance to the contrary notwithstanding.

3.
Advances may be made at such rate of interest as the Treasury shall appoint, not being less than 10s. per cent. above the interest on Exchequer Bills.

And be it Enacted, That instead of the several periods by the said recited Act prescribed for the repayment of the several advances or loans made thereunder, it shall and may be lawful for the said Lords Commissioners of the Treasury to direct that any loan or advance to be made under the authority of the said Act or this Act shall be repaid by instalments, the first to be made within such period, not being more than *Five* Years from the time of making such loan or advance, as the said Lords Commissioners of the Treasury shall appoint, and the whole to be completed within such period, not being more than *Twenty-five* Years from the time of making such loan or advance as the said Lords Commissioners shall appoint, any thing in the said recited Act requiring payment of any loan or advance at any earlier period to the contrary notwithstanding.

4.
Treasury may extend periods of repayment of Loans.

AND whereas it is provided by the said recited Act that the rules and regulations to be established by the said Commissioners, in respect of the applications to be made to them thereunder, shall contain provisions requiring, in all cases, the production of such detailed estimates, maps, plans or specifications as may be applicable to the nature of the work in respect whereof such applications may be made: AND whereas it may be convenient that the previous preparation of such estimates, maps, plans or specifications should be dispensed with in certain cases; BE it therefore Enacted, That it shall be lawful for the said Commissioners to receive and take into their consideration applications made to them pursuant to the provisions of the said Act or this Act, without the production of the estimates, maps, plans and specifications required by the said Act as aforesaid, in such cases as they in their discretion shall think fit to dispense with the production of the same; and the said Commissioners shall amend the regulations established by them as aforesaid accordingly; and it shall be lawful for the said Commissioners, if, upon the consideration of any such application, they shall so far approve of the same, to appoint and employ some competent surveyor or surveyors to inspect and survey and make the necessary estimates, maps, plans or specifications

5.
The Commissioners may receive and consider Applications without the production of Estimates, &c. as required by the said Act;

and if they shall approve thereof, may appoint a Surveyor to inspect, survey and report

thereon, provided Applicants deposit expense of such Survey, &c.

specifications of any work referred to in such application, and investigate the general object, utility and nature thereof, and report thereon to the said Commissioners, provided that the party making such application shall previously deposit, as the said Commissioners shall direct, a sum adequate to defray the expense attendant upon such survey and report, and the making such maps, plans, specifications or estimates and all attendant expenses. 5

6. Commissioners may take Deposits or Transfers of the Shares, Stock, &c. of Public Companies as chief or collateral security.

And be it Enacted, That it shall be lawful for the said Commissioners, for the execution of the said Act, in the place of such real or other security or securities, as they are by the said Act empowered and directed to take and require, or as collateral thereto, to accept and take as security, for any loan or advance to be made under the provisions of the said Act or this Act, deposits or transfers of the shares, stock, bonds or debentures of such Public Companies as shall be approved by the said Lords Commissioners of the Treasury, in like manner as by the said Act such Commissioners are empowered to accept and take deposits or transfers of Bank or Government Stock, Exchequer Bills or India Bonds, and all such deposits or transfers of the shares, stock, bonds or debentures of such Public Companies so assigned, transferred or deposited, shall, in default of payment of such loan, with interest due thereon, in the manner directed and appointed by the said Commissioners for the execution of the said Act, become and be absolutely vested in the said Commissioners or their Secretary, as the case may be, and shall and may be sold and disposed of, or the monies due or payable by virtue thereof shall and may be sued for in due course of law, in the name of their Secretary for the time being, for the use of the said Commissioners. 10 15 20 25

7. Bonds may be made instead of Obligations to the King ;

And be it Enacted, That notwithstanding any thing in the said recited Act to the contrary, it shall not be necessary in any case, except as hereinafter mentioned, for any party to whom any loan shall be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, to execute any writing obligatory to our Sovereign Lord the King, but in lieu thereof any party who would have been liable to execute any such writing obligatory to our Sovereign Lord the King, shall and is hereby required before any payment shall be made in respect of any loan, to be made under the provisions of the said recited Act and of this Act, or of either of them, to make and enter into, or cause some sufficient persons or person, to the satisfaction of the said Commissioners, to make and enter into a bond or obligation in writing to the Secretary for the time being of the said Commissioners, together with a warrant of attorney for confessing judgment thereon (the entering of which judgment shall be in the discretion of the said Commissioners), whereby 30 35 40

to the Secretary.

whereby the obligors or obligor therein named shall bind themselves, himself or herself, their, his or her heirs, executors or administrators, in such penalty as the said Commissioners shall direct, and such bond or obligation shall be conditioned to be void if the parties or party to whom any loan shall be made, in pursuance of the provisions of the said recited Act and of this Act, or either of them, shall apply or cause to be applied, all the money so to be advanced, at such times and in such manner and for such purposes as shall be specified in any agreement which shall have been or shall hereafter be entered into between such parties or party and such Commissioners for that purpose, and shall, so often as may be required by the said Commissioners, lay before them a statement of the application of the money advanced, and of the progress and state of the work mentioned in such agreement, and of such further sums as may be necessary for the completion thereof, together with all contracts which may have been entered into with reference to the execution of such work, and all accounts and vouchers in any way relating thereto, and shall keep and perform all such other covenants and conditions as the said Commissioners shall prescribe and require to be inserted in such bond or obligation: Provided nevertheless, That if in any case the Lords Commissioners of His Majesty's Treasury shall think fit to require that a writing obligatory to our Sovereign Lord the King should be entered into by or by any sufficient sureties or surety on behalf of any party, by or on whose behalf any loan shall be applied for as aforesaid, then and in such case the said Commissioners shall and they are hereby authorized to require from such party or sufficient sureties or surety, such writing obligatory to our Sovereign Lord the King, as is by the said recited Act directed to be taken, and all the provisions contained in the said recited Act, as to any writing obligatory to our Sovereign Lord the King, and the remedies for putting the same in force, shall be in full force and effect as against such party or sureties or surety, their, his or her heirs, executors, administrators or assigns, and their, his or her estate and effects, any thing in this Act to the contrary notwithstanding.

Bond to the King when required by the Treasury.

And be it Enacted, That so often as any breach or default shall be made in the performance of all or any part of the condition of any bond or obligation which shall be entered into to the said Secretary under the provisions of this Act, it shall be lawful for the said Commissioners from time to time, at their discretion, to direct their Solicitor for the time being to proceed against all or any of the obligors or obligor, his, her or their heirs, executors or administrators; and upon proof of any such breach or default the Jury shall award such sum for damages and costs as they shall think fit, not exceeding the penalty of the said bond or obligation, and such sum so awarded, when levied, shall be paid into the Bank of Ireland to the credit of the said Commissioners, to be applied by them for the

8.
Bond to be sued upon.

purposes of the said recited Act and of this Act: Provided always, That the said Commissioners shall and they are hereby authorized at any time at their discretion, to direct against which of the obligors in any such bond, if there are more than one, proceedings shall be from time to time taken on any such bond or obligation, and by writing, under their hands and seals, to be exhibited to the Barons of His Majesty's Court of Exchequer in Dublin, to direct any such proceedings to be discontinued, quashed or abated, and the same shall thereupon be discontinued, quashed or abated. 5

9.
Upon performance of the condition the Bond to be cancelled.

And be it Enacted, That so soon as the work in respect of which any such bond or obligation shall have been made to the said Secretary shall be completed, and the conditions thereof fully satisfied to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, upon the application of any obligor therein named, to certify in writing that the said condition has been performed; and upon production of such certificate to the proper officer of any of His Majesty's Courts in Ireland in which judgment may have been entered upon such bond or obligation, satisfaction shall be entered upon the record of such judgment; and in case judgment shall not have been entered up thereupon, the said bond or obligation shall be delivered up by the party holding the same to such obligor to be cancelled, and shall be cancelled accordingly. 10 15 20

10.
Grants may be made for Harbours, &c. on navigable Lakes and Rivers in like manner as on Coast Harbours, &c.

And be it Enacted, That it shall and may be lawful for the Commissioners for the execution of the said Act to receive applications and make grants in aid of the construction and erection of small Harbours, Piers and Quays on navigable rivers and lakes, on the same terms and subject to the like conditions and regulations as to the amount of such grants, and all other particulars, as by the said Act provided in respect of applications and grants in aid of the construction and erection of small Harbours, Piers and Quays on the sea-coast of Ireland, and with the like powers and authorities in relation thereto, save as such conditions and regulations, powers and authorities may be altered by this Act. 25 30

11.
Power to levy Tolls.

And be it Enacted, That when and so often as any Pier, Harbour or Quay shall have been constructed, either wholly or in part, under the provisions of the said recited Act or of this Act, or of either of them, it shall and may be lawful for the said Commissioners, and they are hereby authorized to levy, or cause to be levied and paid, for the use of such Pier, Harbour or Quay, such Tolls as the Lords Commissioners of His Majesty's Treasury shall from time to time approve of: Provided always, That the amount of such Tolls shall not exceed the probable average annual expense of maintaining and repairing such Pier, Harbour or Quay, and of the contingent expenses to be incurred by the 35 40

Amount of Tolls.

the said Commissioners in relation thereto, and of the amount of interest, at the rate of not less than

Pounds per centum per annum on the capital, whether public or private, expended on such work : And provided further, That in case it shall appear to the said

- 5 Commissioners that it would promote the public advantage, that a greater amount of Tolls should be levied under the provisions of this Act, for the use of any such Pier, Harbour or Quay, or that such Tolls should be at any time increased with a view of thereby creating a fund for the improvement of such Pier, Harbour or Quay, it shall
- 10 be lawful for the said Commissioners, and they are hereby authorized to increase or to lower such Tolls to such extent and for such period as the said Commissioners shall from time to time direct, with the approbation of the Lords Commissioners of His Majesty's Treasury.

Power to increase the Tolls for Improvements.

And be it Enacted, That it shall be lawful for the said Commis-

- 15 sioners, if they shall so think fit, by public bidding, from time to time, to let and from time to time to re-let all or any of the Tolls payable under the provisions of this Act, for terms not exceeding *Ten* nor less than *Five Years*, on such conditions and with such security for payment of the rent reserved on such lease as the said Commissioners
- 20 shall think fit, and the Lords Commissioners of His Majesty's Treasury shall from time to time approve : Provided always, That every such lease shall contain a covenant on the part of the lessee or lessees to keep such work in repair (so far as the ordinary wear and tear of such work may render necessary), and shall also contain a power of re-entry on
- 25 the non-payment of such rent, or non-performance of such covenant for repairs within *Three* calendar Months after the same shall become due, or after any breach of any such covenant, and a power to such Commissioners at any time to put an end thereto, on giving *Three* calendar Months notice to the lessees or lessee thereof of an intention
- 30 so to do : Provided always, That nothing in this Act contained shall be construed to extend to or affect any Tolls already raiseable and payable, or which shall hereafter be made raiseable or payable by virtue of the provisions of any Act of Parliament passed before the passing of this Act.

12.
Power to let Tolls.

Covenants in Leases.

35 And be it Enacted, That the Tolls payable under the provisions of this Act, or the rent payable upon any lease thereof, shall be applied in manner following ; (that is to say) first, in repairing and maintaining the Pier, Harbour or Quay in respect of which such Tolls or rent shall be payable ; and, in the next place, in defraying all the

40 contingent expenses of the said Commissioners in relation to such work ; and, in the next place, in paying interest on the capital, whether private or public, expended in the execution of such work to the parties entitled to receive the same, at a rate not exceeding

13.
Application of Tolls.

Pounds per centum per annum, so far as the same will extend ;

tend ; and the surplus of such Tolls or rent shall be in the meantime invested in public or Government Securities, and suffered to accumulate so as to form a fund for the future improvement of such work, and such fund shall be applied for such purpose at such time and in such manner as the said Commissioners shall from time to time direct, and the Lords Commissioners of his Majesty's Treasury shall from time to time appoint.

14.
Power of enforcing payment of Tolls.

And be it Enacted, That it shall be lawful for the said Commissioners, in cases in which such Tolls shall not be leased or let, and for the lessees or lessee of such Tolls, if leased or let, from time to time to appoint sufficient Collectors and Officers or Agents, for the purpose of receiving the Tolls payable under this Act, and in case any person liable to pay such Tolls shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners or for the lessees or lessee of the said Tolls, or their officer or agent or other person to whom such Toll ought to have been paid, to seize the vessel, goods, articles and things in respect of which such Tolls ought to have been paid, wherever the same may be found, and to detain the same until such Tolls, together with the reasonable cost and expenses of such seizure and detention, shall be paid, and if such vessels, goods, articles and things shall not be redeemed within Days after the seizure thereof, the same shall be appraised and sold, and, after deducting the costs of such seizure, detention and sale, all such sums as shall be due in respect of such Toll shall be satisfied thereout, and the overplus paid to the owner, in like manner as the law directs in cases of distress for rent in arrear.

15.
Commissioners empowered to make Bye-laws, &c. for payment of Tolls and use of such Piers, &c. as said Commissioners are enabled to do under 1 & 2 Will. 4. c. 33. vesting powers of Directors General of Inland Navigation in such Commissioners.

And be it Enacted, That it shall and may be lawful for the said Commissioners to make such bye-laws, rules and regulations for the payment of rates or tolls in, and for the use and occupation of any such Pier, Harbour or Quay, and the preservation and safe keeping of the same, such bye laws, rules and regulations not being contrary to the laws or statutes of this realm, as the Directors of General Inland Navigation in Ireland were enabled to make and establish under any Act or Acts for promoting inland navigation, or as the said Commissioners for the promotion and extension of Public Works in Ireland are now enabled to do under the provisions of the said recited Act of the first and second years of His present Majesty's reign, vesting the powers and authorities theretofore enjoyed by the said Directors General in the said Commissioners ; and any person or persons guilty of any breach of or offending against any such bye-laws, rules or regulations shall and may be proceeded against, and shall incur a like penalty or forfeiture, to be levied and enforced in like manner as in the case of any person offending against the bye-laws, rules or regulations at any time made by the said Directors

General

General or by the said Commissioners in respect of any canal or navigation.

And be it Enacted, That notwithstanding any thing in the said recited Act or in this Act contained, in any case in which any loan
 5 or advance for any purpose has already been or shall be made under the provisions of the said recited Act and of this Act, or of either of them, to any body, company or party, on any security whatever, to be repaid on any terms whatever, either as to principal or interest, it shall and may be lawful for the Lords Commissioners of His Majesty's
 10 Treasury, and they are hereby authorized at their discretion, notwithstanding the terms of any agreement which may have been made or shall hereafter be made as to such loan, to enlarge the time within, or to increase the number of instalments in which such loan or any part thereof shall be required to be repaid, or to reduce the rate of
 15 interest which shall be payable on such loan, or on any unpaid part thereof; and every such extension of time or reduction of the rate of interest, when made as aforesaid, shall be as valid and effectual as if the same had been part of the terms of such loan or advance, and as if all the securities entered into in relation to such loan had been
 20 entered into after such extension of time or reduction of interest had been made: Provided always, That the interest shall in no case be reduced to a rate less than *Ten* Shillings per centum per annum above the rate of interest on the Exchequer Bills made out or issued for the purpose of such loan or advance, nor the time of repayment
 25 enlarged beyond *Twenty-five* Years from the time of making such loan or advance, nor the first instalment delayed beyond *Five* Years from the time of making such loan.

16.
 Treasury to have power to enlarge the time for payment of the principal, and to reduce the interest on existing and new Loans.

And be it Enacted, That, any thing in the said recited Act to the contrary notwithstanding, it shall be lawful for the said Lords Com-
 30 missioners of the Treasury to release and discharge, if they shall so think fit, any party who, under the provisions of the said recited Act, shall be liable to be called upon to contribute any sum of money for the purpose of completing any work in respect of which any loan has been or shall be made, over and above or in addition to the
 35 amount for which such party subscribed, or contracted to subscribe, towards the execution of any such work; and that in any loans which shall hereafter be made under the provisions of the said recited Act and of this Act, or either of them, no such liability shall be incurred unless the Lords Commissioners of His Majesty's Treasury shall so direct:
 40 Provided always, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, if they shall think fit, at any time, by any writing under their hands, to declare, That any loan which shall hereafter be made, shall be made subject to such liability to contribute being incurred, and at any times or time after such liability shall have

17.
 In existing Loans Treasury to have power to dispense with or release from liability to contribute towards the completion of works beyond the Estimate, and such liability not to be incurred in future Loans unless directed by Treasury.

Treasury have power to direct,

and shall have power to discharge it.

been incurred, if they shall so think fit, to release and discharge all or any of the parties who shall be so liable to contribute, from the payment of the whole or any part of the sums or sum of money which he, she or they shall be so liable to contribute or pay, and in case the Lords Commissioners of His Majesty's Treasury shall think fit to make any such declaration requiring such liability to be undertaken, the said Commissioners for the execution of the said recited Act and of this Act, shall make such loan, upon such condition that such liability to contribute shall be incurred, and in case the said Lords Commissioners of His Majesty's Treasury shall subsequently release or discharge any party from such liability, every such party shall from thenceforth be so released and discharged therefrom accordingly. 5 10

18.

Securities to be taken in the form set forth in the Schedule.

And be it Enacted, That every mortgage, assignment or other security (except the writing obligatory hereinbefore mentioned) which is directed or required to be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, for securing the repayment of any loan and interest, may be made in such of the forms set forth in the Schedule to this Act as shall be applicable thereto, or as near thereto as the circumstances of the case will admit ; and that every estate, right, title, interest, claim and remedy created by, or which shall arise by virtue of such mortgage, assignment or other security, or by any bond or obligation in writing to be executed to the secretary of the said Commissioners under the provisions of this Act, shall be vested in the Secretary for the time being of the said Commissioners, without any assignment or transfer being executed to him. 15 20 25

19.

Powers given to any Commissioners that may be appointed to report upon and survey the principal Lines best adapted for the construction of Railways to enter Lands.

And be it Enacted, That in case His Majesty shall think fit to issue a Commission deputing and appointing any persons to consider and report upon the principal lines of communication in Ireland, with reference to the comparative advantages and facilities they afford for the construction of Railways, with a view to ascertain the best lines between any of the principal places in Ireland which it may be desirable to connect by Railways, and for which works Joint Stock Companies may be willing hereafter to apply to Parliament, it shall and may be lawful for such persons and their surveyors or agents, for the purpose of making such survey as may be necessary to carry into effect such His Majesty's commands and instructions, to enter into and upon the lands of any person or corporation whatsoever, and to survey and take levels of the same or of any part thereof, and to do and execute all matters and things necessary or convenient for making such survey, such persons doing as little damage as may be in the execution of the powers to them by the said Commission and hereby granted, and making reasonable satisfaction (if required) to the owners of and other persons interested in any such lands which shall or may be in any way injured or damnified in or by the execution of the powers by the 30 35 40 the

the said Commission and hereby granted to such persons; and this Act shall be sufficient to indemnify such persons, and all surveyors, agents or persons acting in and under the orders of any of them for what they or any of them shall do by virtue of the powers by such
 5 Commission and hereby granted.

And be it Enacted, That if any person shall wilfully prevent, assault or threaten to assault any such Commissioner, or any surveyor or agent acting in aid or under the orders of any such Commissioner pursuant to the provisions hereinbefore contained, or shall wilfully de-
 10 stroy or injure any surveyor's instruments or implements used for the purpose of making such survey as aforesaid, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of *One* credible witness before any *Two* Justices of the Peace for the county wherein such offence shall have been committed, at Petty
 15 Sessions, such sum not exceeding *Ten* Pounds, as the said Justices shall think fit; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such offender to any gaol, bridewell or house of correction for any time not exceeding *Three* Months or until such forfeiture shall be paid.

28.
 Penalty for obstructing, &c. such Commissioners or their Surveyors in making such Survey, &c.

20 And be it Enacted, That wherever the Lords Commissioners of the Treasury shall be named in this Act, the provision shall be deemed to import and apply to any *Three* or more of them, or to the Lord High Treasurer, when such officer there shall be.

21.
 Construction of Terms.

And be it Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in the present Session of Parliament.

22.
 Act may be altered.

SCHEDULE

To which the foregoing ACT refers.

No. 1.

FORM of SECURITY by way of Mortgage or Assignment of any Freehold or Leasehold or Personal Estate, or by way of Deposit of any Title Deeds or Documents relating to any Freehold, Leasehold, or other Personal Estate.

WHEREAS by virtue of an Act passed in the first and second years of His present Majesty, intituled, "An Act for the extension and promotion of Public Works in Ireland," and of an Act passed in the year of His present Majesty, intituled [here insert the title of this Act], the Commissioners for the execution of the said Acts have agreed to lend and advance to us, A. B. [here insert the names of the parties receiving the loan or advance, and the sum, and the terms on which it is made]; it is therefore witnessed that in pursuance of the said agreement, and in consideration of the sum of

so agreed to be advanced as aforesaid, we the said A. B. [here insert the names of the parties to the agreement interested in the work] do assign [here insert the description of the work], together with all our estate, right, title and interest therein. And we the said A. B. of [principals], and C. D. of [sureties] do for the like consideration assign [or, deposit, as the case may be] [here insert a description of the property intended to be assigned or deposited by way of security], together with all our respective estates, rights, title and interest therein respectively, unto the Secretary of the Commissioners for the extension and promotion of Public Works in Ireland, to hold the same respectively in trust for the said Commissioners and their successors, until the said sum of

and all interest to become due thereon, shall be fully paid and satisfied, and until [here insert such other conditions as the Commissioners shall prescribe], in pursuance of the terms of the said agreement. Given under our hands this day of in the year of our Lord.

No. 2.

FORM of SECURITY by way of Bond or Obligation in Writing.

WHEREAS by virtue of an Act passed in the first and second years of His present Majesty, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," and of an Act passed in the year of His present Majesty, intituled [here insert the

the

the title of this Act], the Commissioners for the execution of the said Acts have agreed to lend and advance to us, A. B., [here insert the names of the parties receiving the loan or advance, and the sum and the terms on which it is made]; it is therefore witnessed, that in pursuance of the said agreement, and in consideration of the said sum of

Pounds so agreed to be advanced as aforesaid, we, the said A. B., [here insert the names of the parties to the agreement interested in the work], do assign the said [here insert the short description of the Work], together with all our estate, right, title and interest therein unto the Secretary of the Commissioners for the extension and promotion of Public Works in Ireland, to hold in trust for the said Commissioners and their successors until the said sum of Pounds and all interest to become due thereon, shall be fully paid and satisfied, in pursuance of the terms of the said agreement; and for the like consideration, we, A. B. of

and C. D. of

[here insert the names of all the obligors], are jointly and severally held and firmly bound to the said Secretary of the said Commissioners in

Pounds, to be paid to him in trust for the said Commissioners and their successors, for which payment we bind ourselves, and each of us and our and each of our heirs, executors and administrators, firmly by these presents, sealed with our respective seals, dated this day of : Provided always, and the condition of these presents is, that if the said sum of

Pounds mentioned in the said agreement of the day of and all interest to become due thereon, shall be fully paid and satisfied in pursuance of the terms of the said agreement, and if [here insert such other conditions as the Commissioners shall prescribe], then these presents shall be void or else shall remain in full force.

Public Works (Ireland.)

A

B I L L

To amend an Act passed in the First and Second Years of His present Majesty's Reign, intituled, "An Act for the Extension and Promotion of Public Works in Ireland."

(Prepared and brought in by
Mr. Chancellor of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
8 August 1836.*

A TABLE, AND INDEX,

OF THE

PUBLIC GENERAL ACTS

Passed in the Second Session of the 12th Parliament of the United Kingdom
of *Great Britain and Ireland*:

6° & 7° GUL. IV. 4 *February*—20 *August* 1836.

THE TABLE.

CAP. I.

Royal Assent.

AN ACT to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-six-seven - - - - - (4 *March*.)

II. AN ACT for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six-seven - - - (4 *March*.)

III. AN ACT for vesting the Office of Constable of the Castle of *Saint Briavel's* in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and for vesting the Office of Keeper of the Forest of *Dean* in the County of *Gloucester* in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings - - - - - (4 *March*.)

IV. AN ACT to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege - - - - - (18 *March*.)

V. AN ACT for carrying into further Execution Two Acts of His present Majesty, relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation - - - - - (18 *March*.)

VI. AN ACT for carrying into effect a Treaty made between His Majesty and the Queen Regent of *Spain* for the Abolition of the Slave Trade - - - - - (30 *March*.)

VII. AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and thirty-seven; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of Hilary Term One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their }
Annual Certificates - - - - - (30 *March*.)

VIII. AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - (22 *April*.)

IX. AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore - - - - - (22 *April*.)

X. AN ACT to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament - - - - - (19 *May*.)

XI. AN ACT for the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of his late Majesty for that Purpose - - - - - (19 *May*.)

XII. AN ACT for amending an Act of the Ninth Year of the Reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better Regulation of Divisions in the several Counties of *England and Wales*" - - - - - (20 *May*.)

CAP.	Royal Assent.
XIII. AN ACT to consolidate the Laws relating to the Constabulary Force in <i>Ireland</i> - - - - -	(20 May.)
XIV. AN ACT to amend the Laws relating to Bankrupts in <i>Ireland</i> - - - - -	(20 May.)
XV. AN ACT to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to <i>Shetland</i> or <i>Orkney</i> to pay certain Sums of Money, payable under that Act to the Seamen's Fund, at <i>Lerwick</i> in <i>Shetland</i> or <i>Kirkwall</i> in <i>Orkney</i> - - - - -	(7 June.)
XVI. AN ACT to revive and continue in force, until the First Day of August One thousand eight hundred and forty, an Act of the Legislature of <i>Jamaica</i> to explain and amend an Act for the Abolition of Slavery in that Island, and in aid of the same - - - - -	(7 June.)
XVII. AN ACT to make Provision for the better Administration of Justice in certain of His Majesty's <i>West India</i> Colonies - - - - -	(7 June.)
XVIII. AN ACT to apply the Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-six - - - - -	(7 June.)
XIX. AN ACT for separating the Palatine Jurisdiction of the County Palatine of <i>Durham</i> from the Bishoprick of <i>Durham</i> - - - - -	(21 June.)
XX. AN ACT for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons - - - - -	(21 June.)
XXI. AN ACT to provide that Persons in <i>Scotland</i> accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases - - - - -	(21 June.)
XXII. AN ACT to enable Bastards in <i>Scotland</i> to make Testaments - - - - -	(21 June.)
XXIII. AN ACT to continue for Three Years, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors } in <i>Ireland</i> - - - - -	(21 June.)
XXIV. AN ACT to render valid certain Marriages solemnized in a Chapel of Ease, in the Parish of <i>Wandsworth</i> , in the County of <i>Surrey</i> , called <i>Saint Ann's</i> } Chapel - - - - -	(21 June.)
XXV. AN ACT for granting an additional Rate of Postage on Letters between <i>Great Britain</i> and <i>Ireland</i> by way of <i>Milford</i> and <i>Waterford</i> - - - - -	(21 June.)
XXVI. AN ACT for granting to His Majesty, until the Fifth day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six - - - - -	(4 July.)
XXVII. AN ACT for investing in Government Securities further Portions of the Cash lying unemployed in the Bank of <i>England</i> belonging to Bankrupts' } Estates - - - - -	(4 July.)
XXVIII. AN ACT to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster-General, and Commissioners of Land Revenue, Customs, Excise, Stamps and Taxes - - - - -	(4 July.)
XXIX. AN ACT for improving the Police in the District of <i>Dublin</i> } Metropolis - - - - -	(4 July.)
XXX. AN ACT to repeal so much of Two Acts of the Ninth and Tenth Years of King GEORGE the Fourth as directs the period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder - - - - -	(14 July.)
XXXI. AN ACT to amend an Act of His late Majesty King GEORGE the Second, for the Encouragement of building of Chapels of Ease in <i>Ireland</i> - - - - -	(14 July.)
XXXII. AN ACT for the Regulation of Benefit Building Societies - - - - -	(14 July.)
XXXIII. AN ACT to amend and regulate the Law of <i>Scotland</i> as to Erasures in Instruments of Sasine and of Resignation ad remanentiam - - - - -	(14 July.)
XXXIV. AN ACT to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King GEORGE the Fourth, for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in <i>Ireland</i> - - - - -	(14 July.)
XXXV. AN ACT for further improving the Road between <i>London</i> and <i>Holyhead</i> , by <i>Coveutry</i> , <i>Birmingham</i> and <i>Shrewsbury</i> - - - - -	(14 July.)
XXXVI. AN ACT to amend an Act passed in the present Session of Parliament, for consolidating the Laws relating to the Constabulary Force in <i>Ireland</i> - - - - -	(28 July.)

CAP.

Royal Assent.

XXXVII. AN ACT to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality, and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour and Bread, beyond the limits aforesaid - - - - - (28 July.)

XXXVIII. AN ACT to amend an Act passed in the Third and Fourth years of the Reign of His present Majesty, intituled, "An Act to amend the Laws relating to Excise Licenses, and to the Sale of Wine, Spirits, Beer and Cider by Retail, in *Ireland* - - - - - (28 July.)

XXXIX. AN ACT to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the importation and keeping of Arms and Gunpowder in *Ireland* - - - - - (28 July.)

XL. AN ACT to continue for One Year, and from thence to the end of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads } in *Ireland* - - - - - (28 July.)

XLI. AN ACT to abolish the Commissary Court of *Edinburgh*, and to regulate the Mode of taking Proofs in Consistorial Causes in *Scotland* - - - - - (28 July.)

XLII. AN ACT to grant certain Powers to Heirs of Entail in *Scotland*, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting } the same - - - - - (28 July.)

XLIII. AN ACT to provide for the taking of Judicial Ratifications of *Scottish Deeds* on Oath as heretofore - - - - - (28 July.)

XLIV. AN ACT to continue the Laws for the Relief of Insolvent Debtors in *England*, until the First Day of June One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament - - - - - (28 July.)

XLV. AN ACT to transfer the Collection and Management of the Duties in *Great Britain* on Horses let for Hire, and on Licenses relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise - - - - - (28 July.)

XLVI. AN ACT to continue until the Thirty-first day of December One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Ninth year of His late Majesty, for the Administration of Justice in *New South Wales* and *Van Diemen's Land* - - - - - (28 July.)

XLVII. AN ACT to continue until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India* - - - - - (28 July.)

XLVIII. AN ACT to indemnify the Governors and others of the Islands of *Antigua*, *Saint Christopher*, *Nevis* and *Montserrat* for having permitted the Importation of certain Articles Duty-free - - - - - (28 July.)

XLIX. AN ACT to enable the Master of the Rolls to demise Part of the Rolls Estate to the Society of Judges and Serjeants - - - - - (29 July.)

L. AN ACT to authorize the placing of the Horse Patrol now acting under the Authority of the Chief Magistrate of the Public Office in *Bow-street* under the Authority of the Justices appointed for the Metropolitan Police District - - - - - (13 August.)

LI. AN ACT for converting the *Richmond* General Penitentiary into one of the Prisons for the County of the City of *Dublin*, and to amend the Law relating to } Prisons in *Ireland* - - - - - (13 August.)

LII. AN ACT to repeal the Duties and Drawbacks of Excise on Paper printed, painted or stained in the United Kingdom; and to reduce the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Paste-board and Scale-board, made in the United Kingdom, of the First Class; and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of } Vinegar - - - - - (13 August.)

LIII. AN ACT for enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island*, *Singapore* and *Malacca* - - - - - (13 August.)

LIV. AN ACT to consolidate and amend the Laws relating to the Conveyance of Newspapers by the Post - - - - - (13 August.)

LV. AN ACT to amend the Laws relating to Loan Societies in *Ireland* - - - - - (13 August.)

LVI. AN ACT for regulating the Process of Cessio bonorum in the Court of Session, and for extending the Jurisdiction of Sheriffs in *Scotland* to such Cases - - - - - (13 August.)

LVII. AN ACT for the Prevention and Punishment of Offences committed by His Majesty's Subjects within certain Territories adjacent to the Colony } of the *Cape of Good Hope* - - - - - (13 August.)

- | CAP. | Royal Assent. |
|--|---------------|
| LVIII. AN ACT for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured - | (13 August.) |
| LIX. AN ACT to extend the Protection of Copyright in Prints and Engravings to Ireland - - - - - | (13 August.) |
| LX. AN ACT to amend the Laws relating to the Customs - - - | (13 August.) |
| LXI. AN ACT to assimilate the Law of <i>Ireland</i> to that of <i>England</i> in respect to the Liability of Owners of Vessels for Losses by Fire - - - - - | (13 August.) |
| LXII. AN ACT for continuing, until the First Day of June One thousand eight hundred and thirty-eight, the several Acts for regulating the Turnpike Roads in <i>Great Britain</i> which will expire with the present or the next Session of Parliament - - - | (13 August.) |
| LXIII. AN ACT to facilitate, until the Nineteenth Day of March One thousand eight hundred and thirty-seven, the Recovery of certain Arrears of Highway Rates and Composition in lieu of Statute Duty - - - - - | (13 August.) |
| LXIV. AN ACT to explain and amend an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Eccle-
sistical Persons - - - - - | (13 August.) |
| LXV. AN ACT for granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain Cases, and to regulate the charging of the Duty payable for taking or killing Game, in <i>Great Britain</i> ; and to provide for the Collection of certain Local Taxes in <i>Scotland</i> - - - - - | (13 August.) |
| LXVI. AN ACT to prevent the advertising of Foreign and other
illegal Lotteries - - - - - | (13 August.) |
| LXVII. AN ACT for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories - | (13 August.) |
| LXVIII. AN ACT to continue until the Thirty-first Day of December One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty, for providing for the Government of His Majesty's Settlements in <i>Western Australia</i> , on the Western Coast of
<i>New Australia</i> - - - - - | (13 August.) |
| LXIX. AN ACT to fix the Standard Qualities of Gold and Silver Plate in <i>Scotland</i> , and to provide for the assaying and marking thereof - - - - - | (13 August.) |
| LXX. AN ACT to facilitate the Conveyance of Sites for School
Rooms - - - - - | (13 August.) |
| LXXI. AN ACT for the Commutation of Tithes in <i>England</i> and
<i>Wales</i> - - - - - | (13 August.) |
| LXXII. AN ACT to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations and Commodities made from or with Spirits removed from <i>Ireland</i> to <i>England</i> or <i>Scotland</i> , or from <i>Scotland</i> to <i>England</i> , and to grant countervailing Drawbacks on the Removal of the same; to repeal the additional Duties of Excise on Licenses to Retailers of Spirits in the United Kingdom; and to alter the Laws relating to Distillers and Retailers of Spirits - - - - - | (13 August.) |
| LXXIII. AN ACT to continue until the First Day of July next, and from thence to the End of the then next Session of Parliament, an Act passed in the Fifth and Sixth Years of His present Majesty, relating to the Dispatch of Business done by the Court of Exchequer in <i>Scotland</i> - - - - - | (13 August.) |
| LXXIV. AN ACT to abolish certain Offices connected with the Court of Chancery in <i>Ireland</i> , and to provide for the Performance of the Duties thereof - - | (13 August.) |
| LXXV. AN ACT to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in <i>Ireland</i> - - - - - | (13 August.) |
| LXXVI. AN ACT to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements - - - - - | (13 August.) |
| LXXVII. AN ACT for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in <i>England</i> and <i>Wales</i> , with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage - - - - - | (13 August.) |
| LXXVIII. AN ACT to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the Ottoman Dominions - - - - - | (13 August.) |

CAP.

Royal Assent.

LXXIX. AN ACT for vesting Lighthouses, Lights and Sea Marks on the Coasts of *England* in the Corporation of Trinity House of *Deptford Strond*; and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons and Sea Marks, and the Tolls and Duties payable in respect thereof - - - - - (13 August.)

LXXX. AN ACT to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices and Pensions - - - - - (13 August.)

LXXXI. AN ACT to authorize His Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade - - - - - (17 August.)

LXXXII. AN ACT to carry into further Execution an Act for compensating Owners of Slaves upon the Abolition of Slavery, and for completing the full Payment of such Compensation - - - - - (17 August.)

LXXXIII. AN ACT for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in *Ireland* - - - - - (17 August.)

LXXXIV. AN ACT to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in *Ireland*; and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate - - - - - (17 August.)

LXXXV. AN ACT for Marriages in *England* - - - - - (17 August.)

LXXXVI. AN ACT for registering Births, Deaths and Marriages in } (17 August.)
England - - - - - }

LXXXVII. AN ACT for extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham* and *Cambridge* - - - - - (17 August.)

LXXXVIII. AN ACT to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom - - - - - (17 August.)

LXXXIX. AN ACT to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests - - - - - (17 August.)

XC. AN ACT to continue until the First Day of May One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of his Majesty King *GEORGE* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland* - - - - - (17 August.)

XCI. AN ACT to enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings to make and maintain a Road from the Church in the Parish of *Sunk Island* to the Town of *Ottringham* in the East Riding of the County of *York* - - - - - (17 August.)

XCII. AN ACT to render valid certain Marriages solemnized in the Church of *Saint Clement, Oxford* - - - - - (17 August.)

XCIII. AN ACT to defray the Charge of the Pay, Clothing and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates and Serjeant Majors of the Militia, until the First Day of July One thousand eight hundred and thirty-seven - - - (19 August.)

XCIV. AN ACT to amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the *French*, the Emperor of all the *Russias* and the King of *Bavaria* - - - - - (19 August.)

XCV. AN ACT to suspend, until the Sixth Day of April One thousand eight hundred and thirty-seven, Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland* - - - - - (19 August.)

XCVI. AN ACT to regulate Parochial Assessments - - - - - (19 August.)

XCVII. AN ACT for continuing and making perpetual the Duty on certain Offices and Pensions - - - - - (19 August.)

XCVIII. AN ACT to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament - - - - - (20 August.)

XCIX. AN ACT to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of *Ireland* - - - - - (20 August.)

CAP.	Royal Assent.
C. AN ACT to restrain the Alienation of Corporate Property in certain Towns in <i>Ireland</i> - - - - -	(20 August.)
CI. AN ACT to legalize certain Lists of Voters and of Claims and Objections for the present Year - - - - -	(20 August.)
CII. AN ACT for rendering more easy the taking the Poll at County Elections - - - - -	(20 August.)
CIII. AN ACT to make temporary Provision for the Boundaries of certain Boroughs - - - - -	(20 August.)
CIV. AN ACT for the better Administration of the Borough Fund in certain Boroughs - - - - -	(20 August.)
CV. AN ACT for the better Administration of Justice in certain Boroughs - - - - -	(20 August.)
CVI. AN ACT to make Provision for the better and more expeditious Administration of Justice in the Stannaries of <i>Cornwall</i> , and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries - - - - -	(20 August.)
CVII. AN ACT to extend the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in <i>England</i> and <i>Wales</i> - - - - -	(20 August.)
CVIII. AN ACT to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in <i>Ireland</i> - - - - -	(20 August.)
CIX. AN ACT to repeal certain Provisions respecting the Coal Trade - - - - -	(20 August.)
CX. AN ACT to repeal so much of an Act of the Fifty-fourth year of King GEORGE the Third respecting Copyrights as requires the Delivery of a Copy of every published Book to the Libraries of <i>Sion College</i> , the Four Universities of <i>Scotland</i> , and of the King's Inns in <i>Dublin</i> - - - - -	(20 August.)
CXI. AN ACT to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given - - - - -	(20 August.)
CXII. AN ACT for further facilitating the hearing and determining of Suits in Equity in His Majesty's Courts of Exchequer at <i>Westminster</i> - - - - -	(20 August.)
CXIII. AN ACT for raising the Sum of Fourteen millions Seven thousand nine hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six - - - - -	(20 August.)
CXIV. AN ACT for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney - - - - -	(20 August.)
CXV. AN ACT for facilitating the Inclosure of Open and Arable Fields in <i>England</i> and <i>Wales</i> - - - - -	(20 August.)
CXVI. AN ACT to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in <i>Ireland</i> - - - - -	(20 August.)
CXVII. AN ACT to amend several Acts relating to the Harbour of <i>Kingstown</i> - - - - -	(20 August.)

I N D E X

TO THE

PUBLIC GENERAL ACTS, 6° & 7° GUL. IV. SESS. 1836:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

(E.) <i>signifies that the Act</i>	}	ENGLAND, (and WALES; if the subject extends so far.)
<i>relates to</i>		
(S.) - - -	}	SCOTLAND.
(I.) - - -		
(E. & I.) - - -	}	ENGLAND and IRELAND.
(G. B.) - - -		
(G. B. & I.) - - -	}	GREAT BRITAIN.
(U. K.) - - -		
		THE WHOLE OF THE UNITED KINGDOM.

A.

Cap.

ABOLITION of Slavery, for carrying into further Execution the Provisions of 3 & 4 Gul. IV. c. 73, and 5 & 6 Gul. IV. c. 45, for compensating the Owners of Slaves upon the - - - - -	(U. K.)	5.
Abolition of the Slave Trade, for carrying into effect a Treaty with the Queen of Spain for - - - - -	(U. K.)	6.
----- in Jamaica, reviving and continuing an Act of the Legislature of Jamaica for explaining and amending an Act for - - -	(U. K.)	16.
----- authorizing His Majesty to carry into immediate Execution by Orders in Council any Treaties with Foreign Powers for - - -	(U. K.)	81.
----- to carry into further Execution the Act 3 & 4 Gul. IV. c. 73, for compensating Owners of Slaves upon the - - - - -	(U. K.)	82.
Administration of Justice in the West India Colonies, making Provision for - - - - -	(U. K.)	17.
----- at the holding of Petty Sessions, amending the Act 7 & 8 Geo. IV. c. 67, for - - - - -	(I.)	34.
----- in New South Wales and Van Diemen's Land, continuing the Act 9 Geo. IV. c. 83, for - - - - -	(U. K.)	46.
----- in certain Boroughs - - - - -	(E.)	105.
----- in the Stannaries of Cornwall - - - - -	(E.)	106.
Admiralty Jurisdiction, enabling His Majesty to grant, to the Court of Judicature of Prince of Wales's Island, Singapore and Malacca - - -	(U. K.)	53.
Advertisements, amending the Laws relating to the Duties on - - -	(U. K.)	76.
Aliens, for the Registration of - - - - -	(U. K.)	11.
Antigua (Island), Governor of, indemnified for having permitted the importation of certain Articles Duty-free - - - - -	(U. K.)	48.
Appropriation Acts - - - - -	(U. K.)	1.
	(U. K.)	18.
	(U. K.)	98.
Arms, continuing for One Year the several Acts relating to the Importation and keeping of - - - - -	(I.)	39.
Army, annual Act for the Payment, &c. of - - - - -	(U. K.)	8.
Assessed Taxes, for granting relief from the Duties of, in certain Cases - - -	(G. B.)	65.
Assessments (Parochial), for regulating - - - - -	(E.)	96.
Attornies' Clerks, annual Indemnity Act for Persons omitting to make and file Affidavits for the Execution of Indentures of - - - - -	(U. K.)	7.
Australia (Western), continuing [to 31st December 1838] the Act 10 Geo. IV. c. 22, for the Government of His Majesty's Settlements in - - -	(U. K.)	68.

B.

Cap.

Bankrupts, amending the Laws relating to - - - - -	(I.)	14.
----- Estates of, investing in Government Securities further Portions } of unemployed Cash lying in the Bank of England belonging to - - }	(E.)	27.
Bastards, enabled to make Testaments - - - - -	(S.)	22.
Bavaria, (King of) enabling His Majesty to carry into effect a Convention } with - - - - - }	(U. K.)	94.
Beer, amending the Act 3 & 4 Gul. IV. c. 68, relating to the Sale of, by } Retail - - - - - }	(I.)	38.
Benefit Building Societies, for the Regulation of - - - - -	(E.)	32.
Bills of Exchange.—For declaring the Law as to the Day on which it is } requisite to present for Payment to the Acceptors or Acceptor supra } Protest for Honour, or to the Referees or Referee in case of Need, } Bills of Exchange which had been dishonoured - - - - - }	(U. K.)	58.
Births, Registry of - - - - -	(E.)	86.
Boroughs, making temporary Provisions for the Boundaries of certain -	(E.)	103.
----- for the better Administration of the Borough Fund in certain -	(E.)	104.
----- for the better Administration of Justice in certain - - -	(E.)	105.
Bread, repealing Acts relating to the Sale of, out of the City of London } and beyond the Weekly Bills of Mortality, &c. - - - - - }	(E.)	37.
Briavel's (St.), Castle, vesting the Office of Constable of, in the First } Commissioner of Woods, Forests and Land Revenues - - - - }	(E.)	3.

C.

Cape of Good Hope, for the Prevention and Punishment of Offences com- } mitted within certain Territories adjacent to the Colony of - - }	(U. K.)	57.
Cathedral and Collegiate Churches, suspending for One Year Appoint- } ments to certain Dignities in - - - - - }	(E.)	67.
Cessio bonorum, for regulating the Process of, in the Court of Session, } and for extending the Jurisdiction of Sheriffs to such Cases - - }	(S.)	56.
Chancery (Court of), abolishing certain Offices connected with the, and } providing for the Performance of the Duties thereof - - - - }	(I.)	74.
Chapels of Ease, amending Act 1 Geo. II. for encouraging the Building of	(I.)	31.
Christopher (St.), Governor of the Island of, indemnified for having } permitted the Importation of certain Articles Duty-free - - - }	(U. K.)	48.
Church Temporalities, amending Acts relating to - - - - -	(I.)	99.
Cider, amending the Act 3 & 4 Gul. IV. c. 68, relating to the sale of, by } Retail - - - - - }	(I.)	38.
Civil Bill Courts, extending the Jurisdiction and regulating the Pro- } ceedings of - - - - - }	(I.)	75.
Coal Trade, for repealing certain Provisions respecting - - - - -	(E.)	109.
Commissary Court at Edinburgh, abolishing - - - - -	(S.)	41.
Commutation of Tithes - - - - -	(E.)	71.
Compensation to the Owners of Slaves on the Abolition of Slavery, carrying } into further Execution the Provisions of 3 & 4 Gul. IV. c. 73, and } 5 & 6 Gul. IV. c. 45 for - - - - - }	(U. K.)	5.
	(U. K.)	82.
Consistorial Causes, regulating the Mode of taking Proofs in - - -	(S.)	41.
Constabulary Force, consolidating and amending the Laws relating to } the - - - - - }	(I.)	13.
	(I.)	36.
Consuls in the Ottoman Dominions, enabling His Majesty to make Regu- } lations defining and establishing the Power and Jurisdiction of - - }	(U. K.)	78.
Conviction.—To prevent the Fact of a previous Conviction from being } given in Evidence to a Jury on a Case before them, except when } Evidence to Character is given - - - - - }	(E.)	111.
Copyright, repealing so much of Act 54 Geo. III. c. 156 respecting, as } requires the Delivery of a Copy of every published Book to } the Libraries of Sion College, London, the Four Universities of } Scotland, and the King's Inns in Dublin - - - - - }	(G. B. & I.)	110.
----- in Prints and Engravings, extending the Protection of, to Ireland	(I.)	59.
Coroners' Inquests, providing for the Attendance and Remuneration of } Medical Witnesses at - - - - - }	(E.)	89.
Corporate Property, restraining the Alienation of, in certain Towns -	(I.)	100.

	<i>Cap.</i>
Counsel or Attorney, enabling Persons indicted of Felony to make their Defence by - - - - - }	(E.) 114.
Counties, amending Act 9 Geo. IV. c. 43 for regulating the Divisions of -	(E.) 12.
—— Elections for, rendering more easy the taking the Poll at - -	(E.) 102.
Court of Session, for regulating the Process of Cessio bonorum in - -	(S.) 56.
Creditors, continuing, to 1st May 1837, Act 54 Geo. III. c. 137, for rendering the Payment of, more equal and expeditious - - - }	(S.) 90.
Customs, amending the Laws relating to - - - - -	(U. K.) 60.
Customs (Commissioners of), enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to - - - }	(U. K.) 28.

D.

Dean Forest (Gloucester), vesting the Office of Keeper of, in the First Commissioner of Woods, Forests and Land Revenues - - - }	(E.) 3.
Deaths, Registry of - - - - -	(E.) 86.
Debtors (Insolvent), continuing for Three Years the Acts for the Relief of -	(I.) 23.
—— continuing for One Year the Laws relating to - - - - -	(E.) 44.
Debtors (Insolvent), in India, continuing, to 1st March 1839, several Acts relating to - - - - - }	(U. K.) 47.
Deeds, providing for the taking of Judicial Ratifications of, on Oath -	(S.) 43.
Dublin District, improving the Police of - - - - -	(I.) 29.
—— (City), for converting the Richmond General Penitentiary at, into a Prison - - - - - }	(I.) 51.
Durham, separating the Palatine Jurisdiction of, from the Bishoprick of Durham - - - - - }	(E.) 19.

E.

Ecclesiastical Persons, imposing certain Restrictions on the Renewal of Leases by - - - - - }	(E.) 20.
Edinburgh, abolishing the Commissary Court of - - - - -	(S.) 41.
Elections (County), rendering more easy the taking the Poll at - -	(E.) 102.
Ely (Bishop of), extinguishing the Secular Jurisdiction of, in certain Liberties in the County of Cambridge - - - - - }	(E.) 87.
Employments, annual Indemnity Act for Persons neglecting to qualify themselves for - - - - - }	(U. K.) 7.
Entail (Heirs of), granting certain Powers to, and authorizing the Sale of Entailed Lands for the Payment of certain Debts - - - }	(S.) 42.
Erasures in Instruments of Sasine and of Resignation ad remanentiam -	(E.) 33.
Established Church, for carrying into effect the Report of the Commissioners appointed to consider the State of, with reference to Ecclesiastical Duties and Revenues - - - - - }	(E.) 77.
Exchequer, regulating the Offices of Vice Treasurer and Teller of - -	(I.) 83.
Exchequer Bills, raising £. 15,000,000 - - - - -	(U. K.) 2.
—— raising £. 14,007,950 - - - - -	(U. K.) 113.
—— enabling Persons to make Deposits of, in lieu of giving Security by Bond to the Postmaster-General, the Commissioners of Land Revenue, Customs, Excise, Stamps and Taxes - - }	(U. K.) 28.
Exchequer (Court of), continuing 5 & 6 Gul. IV. c. 46, relating to the Despatch of Business done by - - - - - }	(S.) 73.
—— facilitating the hearing and determining of Suits of Equity in -	(E.) 112.
Excise, Commissioners of, for transferring to them the Collection, &c., of the Duties on Horses let to Hire, &c. - - - }	(G. B.) 45.
—— enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to - - - - - }	(U. K.) 28.
Excise Duties on Stained Paper repealed; and for reducing the Duties, &c. on Paper, Button Board, &c. of the First Class, and for discontinuing the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar - - - - - }	(U. K.) 52.

P.

Paper. The Excise Duties and Drawbacks on Stained Paper repealed, and for reducing the Duties, &c. on Paper, &c. of the First Class, and discontinuing the Excise Survey on the Manufacturers of certain Articles made from Paper - - - - -	Cap. (U. K.)	52.
Parochial Assessments, regulating - - - - -	(E.)	96.
Pensions and Personal Estates, continuing the Duties on - - - - -	(E.)	80.
—— continuing and making perpetual the Duty on certain - - - - -	(E.)	97.
Police. To authorize the placing of the Horse Patrol, now acting under the Authority of the Chief Magistrate of Bow-street, under the Authority of the Justices for the Metropolitan Police District - - -	(E.)	50
Poor Laws, for extending the Period for the Repayment of Loans made under 4 & 5 Gul. IV. c. 76. for the Amendment and better Administration of - - - - -	(E.)	107.
Post, amending the Laws relating to the sending of Newspapers by Post - - - - -	(U. K.)	54.
Postage, granting additional Rates of, on Letters between Great Britain and Ireland, by way of Milford and Waterford - - - - -	(U. K.)	25.
Postmaster General, enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to - - - - -	(U. K.)	28.
Prints and Engravings, extending the Copyright of, to Ireland - - - - -	(I.)	59.
Prisons, amending the Law relating to - - - - -	(I.)	51.
Public Works, amending 1 & 2 Gul. IV. c. 33. for the Extension and Promotion of - - - - -	(I.)	108.
Punishments (Capital), amending 5 & 6 Gul. IV. c. 81. for abolishing, in Cases of Letter Stealing and Sacrilege - - - - -	(G. B. & I.)	4.

R.

Registering of Births, Deaths, and Marriages - - - - -	(E.)	86.
Richmond General Penitentiary, for converting the, into one of the Prisons for the County of the City of Dublin - - - - -	(I.)	51.
Russia (Emperor of), enabling His Majesty to carry into effect a Convention with - - - - -	(U. K.)	94.

S.

Sacrilege, amending 5 & 6 Gul. IV. c. 81. for abolishing Capital Punishments in Cases of - - - - -	(G. B. & I.)	4.
School Rooms, to facilitate the Conveyance of Sites for - - - - -	(E.)	70.
Sheriffs, extending the Jurisdiction of, to Cases of Process of Cessio bonorum - - - - -	(S.)	56.
Shetland or Orkney, amending 4 & 5 Gul. IV. c. 52. enabling certain Seamen belonging to, to pay certain Sums of Money at Lerwick or Kirkwall - - - - -	(S.)	15.
Silver Plate, to fix the Standard Qualities of, and provide for the assaying and marking thereof - - - - -	(S.)	69.
Sinecure Rectories, suspending for One Year Appointments to - - - - -	(E.)	67.
Slaves, for carrying into further Execution the Provisions of 3 & 4 Gul. IV. c. 73. and 5 & 6 Gul. IV. c. 45, for compensating the Owners of, on the Abolition of Slavery - - - - -	(U. K.)	5.
—— reviving and continuing [to 1st Aug. 1840] an Act of the Legislature of Jamaica for the Abolition of Slavery - - - - -	(U. K.)	16.
—— for carrying into further Execution the Act of 3 & 4 Gul. IV. c. 73, for compensating the Owners of, on the Abolition of Slavery - - - - -	(U. K.)	82.

Slave Trade, for carrying into effect a Treaty with the Queen of Spain for the Abolition of the - - - - -	Cap. (U. K.) 6.
——— authorizing His Majesty to carry into immediate execution, by Orders in Council, any Treaties for the Suppression of - - -	(U. K.) 81.
Spirits, amending Act of 3 & 4 Gul. IV. c. 68, relating to the Sale of, by Retail - - - - -	(I.) 38.
——— imposing countervailing Excise Duties on Mixtures, &c. made from or with Sprits removed from Ireland to England or Scotland, or from Scotland to England, and to repeal additional Excise Duties on Licenses to Retailers of Spirits, &c. }	(U. K.) 72.
Stafford (Borough), indemnifying Witnesses giving Evidence before the House of Lords on a Bill to exclude it from sending Burgesses to Parliament - - - - -	(E.) 10.
Stage Carriages, for granting Relief from the Duties on, in certain Cases - - -	(G. B.) 65.
Stamps (Commissioners of), enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to - - -	(U. K.) 28.
——— transferring the Collection, &c. of the Duties on Horses let to Hire from them to the Commissioners of Excise - - -	(G. B.) 45.
Stannaries of Cornwall, for the better Administration of Justice in, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of - - - - -	(E.) 106.
Statute Duty, for facilitating the Recovery of certain Arrears of Composition in lieu of - - - - -	(E.) 63.
Sugar imported, annual Duties on - - - - -	(U. K.) 26.
Sunk Island, Commissioners of Woods, Forests and Land Revenues enabled to make a Road from the Church in the Parish of, to Ottringham (E. R. York) - - - - -	(E.) 91.
Supplies, Appropriation of - - - - -	{ (U. K.) 1. (U. K.) 18. (U. K.) 98.

T.

Taxes (Commissioners of), enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to - - -	(U. K.) 28.
——— (Local), providing for the Collection of certain - - -	(S.) 65.
Temporalities of the Church, amending Laws relating to - - -	(I.) 99.
Testaments, enabling Bastards to make - - - - -	(S.) 22.
Tithe Compositions, suspending [to 6th April 1837] Proceedings for recovering Payment of Money advanced under Acts for establishing - - -	(I.) 95.
Tithes, Commutation of - - - - -	(E.) 71.
Trinity House (Corporation of), vesting Lighthouses, Lights, and Sea Marks in - - - - -	(E.) 79.
Turnpike Roads, continuing for One Year the several Acts for regulating - - -	(I.) 40.
——— continuing [to 1st June 1838] several Acts relating to - - -	(G. B.) 62.

V.

Valuation of Lands and Tenements, consolidating and amending Acts for - - -	(I.) 84.
Van Diemen's Land, continuing [to 31st Dec. 1837] Act of 9 Geo. IV. c. 83, for the Administration of Justice in - - - - -	(U. K.) 46.
Vessels, for assimilating the Law of Ireland to that of England in respect to the Liability of Owners of, for Losses by Fire - - - - -	(E. & I.) 61.
Vinegar, for discontinuing the Excise Survey on Dealers in and Retailers of - - - - -	(U. K.) 52.
Voters, legalizing certain Lists of, and of Claims and Objections for the present Year - - - - -	(E.) 101.

W.

		<i>Cap.</i>
Wandsworth, for rendering valid certain Marriages solemnized at St. Ann's Chapel - - - - -	(E.)	24.
Western Australia, continuing [to 31st Dec. 1838] 10 Geo. IV. c. 22, for the Government of His Majesty's Settlements in - - - - -	(U. K.)	68.
West India Colonies, making Provision for the better Administration of Justice in - - - - -	(U. K.)	17.
Wine, amending 3 & 4 Gul. IV. c. 68, relating to the Sale of, by Retail -	(I.)	38.
Woods, Forests and Land Revenues, the First Commissioner of, vested with the Office of Constable of St. Briavel's Castle and Keeper of the Forest of Dean - - - - -	(E.)	3.
—— Commissioners of, enabled to make a Road from the Church in the Parish of Sunk Island to Ottringham (E. R. York) - - -	(E.)	91.

Y.

York (Archbishop of), extinguishing the Secular Jurisdiction of, in certain Liberties in the Counties of Nottingham and York - - - - -	(E.)	87.
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